

# DEPARTMENT OF CORRECTIONS AND REHABILITATION OPERATIONS MANUAL

## CHAPTER 1 — GENERAL ADMINISTRATION

### ARTICLE 1 — ORGANIZATION

*Revised August 2006*

#### 11010.1 Policy

The Secretary of the California Department of Corrections and Rehabilitation (CDCR) has established an organizational structure which provides for the efficient and effective management of all facets of the correctional system to include custody, care, treatment, discipline, training, rehabilitation, and employment of all inmates and parolees.

#### 11010.2 Purpose

This Section outlines the administrative organization of the CDCR.

#### 11010.3 Chain Of Command

The Secretary has line authority over all employees.

The Assistant Secretaries, Chief Deputy Secretaries General Counsel, and Directors have line authority over their respective divisions/units.

#### 11010.4 Secretary's Cabinet

The following positions have been designated as members of the Secretary's Cabinet:

- Undersecretary.
- Director, Division of Correctional Health Care Services.
- Director, Division of Support Services.
- Assistant Secretary, Office of Health Care Policy.

#### 11010.5 Executive Staff

The Secretary's executive staff includes members of the Cabinet and the following positions:

- Executive Director, Board of Parole Hearings (BPH).
- Executive Director, Corrections Standards Authority (CSA).
- Lead, Office of the Ombudsman (OO).
- Assistant Secretary, Office of Civil Rights (OCR).
- Assistant Secretary, Office of Public and Employee Communications (OPEC).
- Assistant Secretary, Office of Legislative Affairs.
- General Counsel, Office of Legal Affairs (OLA).
- Assistant Secretary, Office of Information Technology (OIT).
- Assistant Secretary, Office of Labor Relations (OLR).
- Assistant Secretary, Office of Internal Affairs (OIA).
- Assistant Secretary, Office of Research (OR).
- Assistant Secretary, Office of Correctional Safety (OCS).
- Assistant Secretary, Office of Victim and Survivor Rights and Services (OVSRS).
- Assistant Secretary, Office of Policy Analysis and Planning (OPAP).
- Assistant Secretary, Office of Risk Management (ORM).
- Chief Deputy Secretary, Adult Operations (AO).
- Chief Deputy Secretary, Adult Programs (AP).
- Chief Deputy Secretary, Juvenile Justice (JJ).
- Director, Division of Adult Institutions (DAI).
- Director, Division of Adult Parole Operations (DAPO).
- Director, Division of Community Partnerships, (DCP).
- Director, Division of Education, Vocations and Offender Programs (DEVOP).
- Director, Division of Juvenile Facilities (DJF).
- Director, Division of Juvenile Programs (DJP).
- Director, Division of Juvenile Parole Operations (DJPO).

#### 11010.6 Secretary of Corrections

The Secretary is the chief executive and administrator of the CDCR in the operation of its programs for the management and control of State adult correctional and juvenile facilities and supervision of parolees.

The Secretary is also chairman of the Board of Parole Hearings and a member of the Corrections Standards Authority. The two Executive Directors and the following functions report to the Secretary:

- OCR.
- OCS.
- OIA.
- OVSRS.
- Ombudsman's Office.

#### 11010.6.1 Office of Civil Rights

The Assistant Secretary, Office of Civil Rights (OCR), serves as an advisor to the Secretary on policies and procedures for accomplishing the OCR mission in accordance with State and federal law. The OCR office mission is to create and maintain a working environment free of discrimination for all employees, volunteers, and applicants. CDCR encourages and expects compliance with non-discrimination policies by all employees.

The OCR office serves all employees of the Department by providing information and assistance regarding discrimination, procedures for filing complaints, and developing and implementing non-discrimination policies. This office develops prevention strategies for a discrimination and retaliation free work environment, and facilitates mediation and case management of complaints filed with the U.S. OCR Commission and the California Department of Fair Employment and Housing. The OCR office provides technical assistance and training to OCR counselors, OCR coordinators, managers, and supervisors in complying with State and federal statutes, regulations, and departmental policy related to OCR and retaliation protection.

The OCR office coordinates the activities of the Disabled Advisory Committee, which serves as an advisory body to the Secretary, on issues impacting employment opportunities and equitable treatment for all employees, applicants, and volunteers with disabilities.

#### 11010.6.2 Office of Correctional Safety

*Revised June 17, 2009*

The Office of Correctional Safety (OCS) supports the mission of the California Department of Corrections and Rehabilitation.

The OCS mission is to protect the public and serve the CDCR investigative and security interests.

The OCS is the primary departmental link with allied law enforcement agencies and the California Emergency Management Agency.

The OCS is comprised of six sub-units:

- The Special Services Unit is the primary departmental gang, criminal, and administrative investigative and law enforcement liaison unit.
- The Fugitive Apprehension Teams conduct field arrest operations of high risk parolee violators/absconders.
- The Emergency Operations Unit oversees special departmental operations such as special transports; hostage rescue; riot suppression; firearms, less lethal weapons, and armories; critical incident response; and protective vests.
- The Emergency Planning and Management Unit facilitates departmental emergency planning, preparedness, response and recovery needs.
- The Criminal Intelligence and Analysis Unit identifies and conducts trend and link analyses between criminal suspects and criminal enterprise organizations operating within California's correctional systems and assists with internal and external suppression efforts.
- The Juvenile Gang Operations unit is responsible for oversight of juvenile gang management issues.

The Assistant Secretary, OCS, has authority over all OCS staff and operations.

#### 11010.6.3 Office of Internal Affairs

*Revised – April 7, 2008*

The Office of Internal Affairs (OIA) is the departmental entity with authority to investigate allegations of employee misconduct when appropriate. OIA ensures allegations of employee misconduct are objectively reviewed through the use of the Central Intake Panel and investigated in a manner that provides a complete and thorough presentation of all facts regarding the allegation or complaint for the use by the Hiring Authority in making determination of appropriate discipline.

OIA conducts or oversees the following investigations:

- Allegation Inquiry.
- Criminal Investigations.
- Administrative Investigations.
- Retaliation Investigations.

- Workers Compensation Fraud Investigations.
- Deadly Force Investigations.

All investigations or inquiries shall be conducted in compliance with all laws, regulations, and departmental policies.

#### **11010.6.4 Office of Victim and Survivors Rights Services**

The Office of Victim and Survivors Rights Services (OVSRS) provides functional oversight in the area of victim services and restitution. The OVSRS is responsible for the overall planning, development, coordination, implementation, and operation of these areas and ensures that victims are informed, heard, and involved in the criminal justice system. The OVSRS is responsible for the overall coordination and operation of victim services and restitution activities throughout CDCR. The scope of the activities related to this program includes, but is not limited to, the following:

- Improves treatment of victims at all levels of involvement with the CDCR.
- Provides training regarding the impact of crime on victims.
- Develops and implements programs in all facilities and parole regions for the collection and disbursement of restitution collected from offenders.
- Notifies victims.
- Facilitates fundraising to benefit victims of crime.
- Develops and disseminates victim services information.
- Involves victim service agencies in CDCR's activities.
- Develops programs and trains inmates and staff in collaboration with local victim service agencies.
- Develops programs and trains staff on victimization.
- Assists and informs victims of crime in all facets of the correctional process.

#### **11010.6.5 Ombudsman's Office**

The Ombudsman's office assists the Secretary in identifying and resolving issues at the institutions relating to staff, inmates, inmate families, legislative bodies, special interest groups, and community-based organizations. This office also provides management advice and consultation on issues affecting the full range of departmental programs.

#### **11010.7 Prison Industry Board**

The Prison Industry Board (PIB) oversees the operations of the PIA, functioning much like a corporate board of directors. The PIB sets general policy for PIA; appoints and monitors the performance of the PIA General Manager and industries; and approves the activation, expansion, or closure of existing enterprises.

The PIB serves as a public hearing body. It ensures that PIA operations are self-sufficient and have no substantial adverse effect upon private enterprise. The PIB actively solicits public input into the decisions it makes to expand existing or develop new industries.

See DOM, Chapter 1, Article 4, for further details.

#### **11010.8 Prison Industry Authority**

The Prison Industry Authority (PIA) is administered separately from the CDCR and employs inmates in a variety of manufacturing, agricultural, and service enterprises located at various facilities. CDCR employees oversee the security aspects of these industries. PIA hires all staff needed to administer industry programs.

PIA products and services include bedding (mattresses, mattress refurbishing, and pillows), clothing (safety, Nomex fire and specialty clothing, footwear, and gloves), detergents (disinfectants, janitorial supplies, utility cleaners), furniture (wood and metal), binding and conference portfolios, license plates, decals, flags, signs, custom metal and wood items and carts, refinishing and upholstery, ophthalmic and safety eyewear, dental laboratory services, food products (meat processing and coffee roasting), laundry, and printing.

See Department Operations Manual (DOM), Chapter 1, Article 4, for further details.

**Note:** PIB and PIA are administered separately from the CDCR and are shown here for organizational purposes.

#### **11010.8.1 Joint Venture Program**

The Joint Venture Program (JVP) was established by the Prison Inmate Labor Initiative of 1990. The JVP, as authorized by Government Code (GC), PC, and Revenue and Taxation Code, and enables the Secretary to enter into contracts with public entities, nonprofit or for-

profit organizations, or businesses for the purpose of establishing employment projects using inmate labor.

The Chief, OSAP, is responsible for ensuring that the CDCR complies with the mandates of the Prison Inmate Labor Initiative. The initiative states that inmates who are confined in State prisons or county jails should work as hard as the taxpayers who provide for their upkeep, and that these inmates may be required to perform work and services in order to accomplish the following:

- Reimbursement to the State or counties for a portion of the costs associated with their incarceration.
- Restitution and compensation to the victims of crime.
- Encourage and maintain safety in prison and jail operations.
- Support their families to the extent possible.
- Learn skills which may be used upon their return to society.
- Assist in their own rehabilitation in order to become responsible, law-abiding citizens upon their release.

To approve a JVP project, the CDCR shall give priority consideration to employers committed to retaining or reclaiming jobs in California or those in emerging California industries which will create additional new jobs. See DOM, Chapter 5, Article 40, for further details.

#### **11010.9 Chief Deputy Secretary, Adult Operations**

The Chief Deputy Secretary (CDS), Adult Operations, serves as advisor to the Secretary and shares with other CDSs, overall charge of CDCR in the Secretary's absence. The CDS, Adult Operations, supervises the following functions for all program and administrative purposes:

- DAI.
- DAPO.

#### **11010.9.1 DAI**

All responsibilities for the day-to-day operations of the adult institutional facilities and camps rest with this division, specifically with the Director, DAI. A Deputy Director and Associate Directors (AD) assist the Director of the DAI in carrying out this responsibility. The ADs are tasked with managing adult institutions with similar missions.

##### **11010.9.1.1 Reception Center Institutions**

The AD, Reception Center Institutions, have supervisory responsibility for the Wardens of the following facilities:

- CIM.
- DVI.
- NKSP.
- RJD.
- SQ.
- WSP.

**Note:** See DOM, Chapter 6, Article 15 for further details regarding each facility.

##### **11010.9.1.2 Conservation Camp Operations**

The overall leadership and guidance to the camps program is provided by the Wardens of the CCC, SCC, and other Wardens whose areas of responsibility include conservation camps. The statewide program is administered through camp liaisons. The liaisons provide support services necessary for the program, develop and monitor contracts with the California Department of Forestry and Fire Protection, and the Los Angeles County Fire Department for the operation of 38 camps, and serve as the principal contact on camp program matters to other state, federal, or local government agencies, members of the legislature, special interest groups, and the general public.

Responsibilities include the regular statewide monitoring and evaluation of camp operations through the management survey process. Every other year the liaison reviews each camp to ensure it is operating in compliance with all appropriate laws, policies, procedures, and contract obligations. Camp liaisons are also responsible for implementing the statewide Camps Information Program to make the public more aware of the tax dollars saved by camp inmates through their project work, wildland fire fighting, and other emergency activities.

##### **11010.9.1.3 High Security and Transitional Housing**

The AD has supervisory responsibility for the Wardens of the following facilities:

- CCI.
- COR.
- HDSP.
- KVSP.
- PBSP.
- SAC.

- SVSP.

**Note:** See DOM, Chapter 6, Article 15, Section 62110, for further details regarding each facility.

#### **11010.9.1.4 General Population Levels Three and Four**

The AD has supervisory responsibility for the Wardens of the following facilities:

- CAL.
- CEN.
- CMC.
- CMF.
- CSATF, COR.
- LAC.
- MCSP.
- PVSP.

**Note:** See DOM, Chapter 6, Article 15, for further details regarding each facility.

#### **11010.9.1.5 General Population Levels Two and Three and Male Offender Camps**

The AD has supervisory responsibility for the Wardens in the following facilities:

- ASP.
- CCC.
- CRC.
- CTF.
- CVSP.
- FSP.
- ISP.
- SCS.
- SOL.

#### **11010.9.1.6 Female Offender Institutions and Camps**

The AD has supervisory responsibility for the Wardens of the following facilities:

- CCWF.
- CIW.
- VSPW.

#### **11010.9.1.7 Operations and Programs**

Operations and Programs are responsible for policy and program formulation within the DAI and ensures consistency and uniformity in their development and application. In this capacity, the Chief Deputy Secretaries has managerial responsibility for all headquarters-based administrative staff as follows:

##### **11010.9.1.7.1 Institution Operations**

Institution Operations, under the guidance of the Chief Deputy Secretaries, Adult Operations and Programs, are responsible for the following operational units:

##### **11010.9.1.7.1.1 Classification Services Unit**

The Classifications Services Unit (CSU):

- Develops, administers, and maintains CDCR classification policies and procedures to ensure uniform diagnostic evaluations of State inmates.
- Enforces appropriate housing of inmates at the lowest level of custody consistent with the security of the institution and safety of staff, inmates, and the community.
- Endorses inmate transfer recommendations based on verification of specific inmate safety and security considerations, program eligibility and appropriateness, and CDCR bed availability. Case factor reviews include an evaluation of the inmate's criminal history, street or prison gang affiliations, propensity for violence and/or escape, programming needs, work skills, medical and psychiatric needs, and reentry eligibility.
- Audits institutional classification practices and safeguards institutional compliance with CDCR classification policy.
- Resolves conflicts and enforces standardized interpretation of CDCR classification policies raised by institutions to either the chief of CSU or the Departmental Review Board (DRB), for a binding administrative decision.

- Presents ongoing training to institutional staff regarding due process rights, the inmate classification system, use of confidential information, inmate housing criteria, and documentation requirements.
- The CSU includes the following sections and functions:

##### **Population Management Section**

- Analyzes and evaluates current and projected inmate population trends.
- Coordinates inmate movement and cost effective bed use.
- Establishes compliance criteria for reception center processing requirements and time frames.
- Monitors and coordinates inmate placement and full utilization of beds in minimum support facilities, camps, restitution centers, and community correctional reentry centers.
- Implements and maintains the County Delivery System, a computer-based system that identifies county delivery options based on expected processing times, projected intake, and geographical location.

##### **Health Care Section**

In coordination with the Division of Correctional Health Care Services (DCHCS):

- Evaluates, endorses, and expedites transfers for medical treatment including special housing for pregnant, physically disabled (including those inmates confined to wheelchairs), and contagious/infectious inmates.
- Endorses and monitors inmates with ongoing psychiatric concerns including inmates recommended for Correctional Clinical Case Management Services, Enhanced Outpatient Program, Mental Health Crisis Bed, and Department of Mental Health Inpatient Hospital Care.
- Evaluates and endorses transfers for inmates with developmental disabilities.
- Acts as liaison with the court, DCHCS, institutions, and families concerning compassionate release requests and coordinates, verifies, prepares, reviews, and processes requests for the Secretary's approval.
- Conducts inquiries and responds to written correspondence from the general public, inmate families, legislators, advocacy groups, judges, and attorneys.

##### **Special Projects Section**

- Develops and clarifies components of the classification system.
- Researches and augments classification policies, regulations, and procedures.
- Coordinates efforts to ensure the California Code of Regulations (CCR), Title 15 and the DOM are current.
- Researches, analyzes, and generates administrative and informational bulletins, proposes and implements legislation, and responds to inquiries.
- Provides teletype approval for prerelease transfers and DJJ dual jurisdictional cases.
- Prepares budget change proposals, composes memoranda and special reports to the Governor's Office, and the Secretary.

##### **Sexually Violent Predator Unit**

- Refers potential Sexually Violent Predator (SVP) cases to the Department of Mental Health (DMH) via the Board of Parole Hearings (BPH) for clinical evaluations and potential referral for prosecution and a renewable two-year civil commitment.
- Coordinates with the BPH, DMH, DAPO, Correctional Case Records Administration, DJJ, and OLA to implement new laws and procedures (i.e., SVP Program).
- Acts as the liaison with city, county, State, and federal agencies.

##### **Security Housing and Administrative Segregation Section**

- Clarifies and standardizes CDCR Administrative Segregation (AD SEG) and Security Housing Unit (SHU) policy and procedures.
- Audits AD SEG and SHU placement to ensure compliance with regulations.
- Establishes criteria for classification review of prison gang validations for determining Indeterminate SHU placement and/or retention.
- Serves as a liaison to the OCS to monitor enemy activity, high notoriety cases, and protective housing unit placements.
- Oversees preparation, investigates, and provides an analysis of cases referred to the DRB.
- Coordinates the classification portion of the DAI compliance reviews.
- Conducts AD SEG Unit Bed Utilization Reviews to maximize use of beds.
- Creates and maintains the Classification Services Representative (CSR) travel schedule to ensure adequate coverage for all institutions.

### **Minimum Custody Program and United States Immigration and Naturalization Service Section**

- Maintains the Enhanced Tracking System to identify, monitor, and coordinate inmate placement and full utilization of beds in Minimum Support Facilities, Camps, Restitution Centers, Community Correctional Facilities (CCF), Community Prisoner Mother Programs, and Community Correctional Reentry Centers (CCRC).
- Identifies and tracks foreign-born inmates in compliance with the United States Immigration and Naturalization Service (USINS).
- Coordinates with the BPH to facilitate return of inmates to their country of citizenship in compliance with the Foreign Prisoner Transfer Treaty Program.
- Coordinates with the USINS to facilitate housing and deportation hearings by federal immigration judges for inmates with active detainees.
- Is the liaison with foreign consul concerning issues related to foreign-born inmates.
- Is the liaison with CCF administration concerning CCF issues.
- Is the liaison with the DAPO concerning CCRC and Restitution Center issues.

### **Training Section**

- Plans, coordinates, and presents annual training to Classification & Parole Representatives (C&PRs), Reception Center Correctional Counselor (CC) IIIs, Assistant C&PRs, and other staff responsible for the classification process.
- Collects CSR audit reports and compiles information distributed in quarterly audit report summaries for the purpose of evaluating the classification processes.
- Plans, coordinates, and presents quarterly CSR training regarding classification process updates and changes to policy and procedure.
- Coordinates, presents, and tracks training for all headquarters CCH Specialists and training for CSU staff.
- Provides training for all CDCR institutions/units/offices in various areas of the classification process, on request.
- Is the liaison with Correctional Peace Officer Standards and Training (CPOST) regarding classification issues and training.
- Plans, develops, and funds requests for CC I and CC II Supervisor Training Academies.

#### **11010.9.1.7.1.2 Correctional Case Records Unit**

- Administers and is responsible for planning and developing policies governing the CDCR uniform case records system.
- Assumes responsibility and accountability for the accurate interpretation and application of laws, administrative standards, and court decisions related to the processing, maintenance, and control of inmate and parolee records.
- Acts as administrative and technical advisor to CDCR management on matters related to the records system and is the primary liaison with other governmental agencies, courts, legislators, and other persons on matters related to the records system.
- Reviews and revises DOM Chapter 7, Case Records Information.
- Conducts the records portion of the DAI Annual Compliance Review.

The Correctional Case Records Unit includes the following sections and functions:

#### **Legal Processing Unit**

- Reviews legal documents on cases with sentencing discrepancies and communicates with the court, DA, and Office of the Attorney General (OAG) to resolve discrepancies.
- Functions as liaison between CDCR and related city, county, and State agencies on matters concerning the application of sentence and parole laws.
- Acts as consultant/advisor to CDCR staff, court offices, and other governmental agencies or authorized persons regarding CDCR responsibility under pertinent laws and administrative standards, interpretations, and applications of laws and standards related to inmate receipt, sentencing, parole, and release.

- Functions as the hub for records related matters for inmates serving their prison terms in DJJ/CYA facilities pursuant to Welfare and Institutions Code (W&IC) 1731.5c.

#### **Identification/ Warrants Unit**

- Operates 24-hours-a-day and provides inmate/parolee history, location, and commitment information to law enforcement agencies and other authorized persons.
- Maintains the CDCR Warrants Register and central dispatch system for the BPH and NAEA warrants issued on parolees-at-large, and releasees-at-large, and places parole holds pursuant to Penal Code (PC), 3056, and/or W&IC 3151, for the DAPO.
- Responds to telephone inquiries concerning felons/civil addicts that require non-confidential information.
- Receives and distributes incident reports.

#### **Correctional Case Records Training Unit**

- Analyzes training needs.
- Plans and develops training programs.
- Provides specialized, technical training to Case Records staff throughout the CDCR.
- Provides technical and practical assistance to Case Records staff to eliminate backlogs.
- Resolves legal and procedural problems.

#### **Archives Unit**

- Receives, processes, and maintains the records of all discharged felons for a period of 30 years from date of discharge.
- Processes requests for documents pursuant to PC 969(b), Proof of Prior Convictions.
- Processes requests for documents for discharged felons, social service agencies, CDCR staff, and State and national law enforcement.

#### **11010.9.1.7.1.3 Transportation Unit**

- Coordinates the transfer of inmates throughout the State with CSU, DAI, and DAPO.
- Coordinates the transfer of parole violators, escapees, and Western Interstate Corrections Compact cases to and from other states.
- Compiles transportation needs information.
- Schedules and routes inmates between facilities, and to and from county jails.
- Maintains the CDCR fleet of transportation vehicles.

#### **11010.9.1.7.2 Institution Programs**

Institution Programs, under the guidance of the Associate Deputy Director, Operations and Programs, is responsible for the following program units:

##### **11010.9.1.7.2.1 Standardized Procedures Liaison Unit**

- Administers the statewide inmate Disability Placement Plan (DPP).
- Analyzes and coordinates the activities required by major litigation affecting the CDCR.
- Coordinates legislative proposals and bill analysis, chaptered law implementation, and modifications to the CCR, Title 15, Division 3 and the DOM.
- Prepares analyses, issues memos, and recommendations for divisional and departmental consideration on a variety of correctional issues, policies, and practices.
- Prepares written responses to inquiries concerning correctional operations and practices received from elected officials, public, State agencies, inmates' families, and inmates.

The Institution Procedures Liaison Unit is comprised of the two following sections:

#### **Institution Standards and Operations Section**

The Institution Standards and Operations Section (ISOS) develops, implements, administers, and monitors the DPP to ensure effective access to programs, services, and activities for disabled individuals incarcerated within the CDCR. The ISOS provides DPP management and guidance to all institutions concerning placement, accommodation, and access issues related to disabled inmates. The Facility Captain, ISOS, serves as CDCR's coordinator as mandated by Title II of the Americans with Disabilities Act.

#### **Litigation Management Section**

In coordination with the OLA, the Litigation Management Section:

- Provides litigation coordination for the CDCR in response to major litigation actions filed by or on behalf of inmates.
- Provides the focal point for the analysis, review, and interpretation of issues raised in legal suits and their applicability to correctional policy and practices.
- Prepares required court reports.
- Serves as litigation liaison for the CDCR to the affected institutions, divisions, house counsel, OAG, plaintiffs' attorneys, and inmates.
- Provides functional support to the institutional litigation coordinators.
- Coordinates the divisions activities related to reviewing, interpreting, and evaluating issues impacting correctional policies.
- Coordinates with the Regulation and Policy Management Branch (RPMB) for issues impacting Title 15 and DOM.
- Coordinates activities to develop legislative proposals.
- Provides assistance to field inquiries concerning policy issues.
- Maintains direct responsibility for the correctional visiting policy.

#### **11010.9.1.7.2.2 Community Correctional Facilities Administration**

The Community Correctional Facilities (CCF) Administration Section oversees the statewide coordination and support of CCF programs including:

- Establishing and administering State-operated and contracted CCFs.
- Developing and processing contracts for CCF programs.
- Identifying and coordinating transportation needs.
- Evaluating, monitoring, and auditing CCF programs to ensure compliance with CDCR policies and procedures and contract requirements.
- Providing and maintaining operational integrity of CCF programs/facilities and community relations.
- Providing administrative support to parole regions and resolving problems between parole regions and facilities.

#### **11010.9.1.8 Inmate Appeals Branch**

The Inmate Appeals Branch (IAB) monitors the CDCR process utilized by an inmate or parolee to appeal any CDCR decision, action, condition, or policy which they can demonstrate has an adverse effect upon their welfare. The responsibilities of the IAB include:

- Providing a fair and objective review of inmate and parolee appeals, including requests for reasonable accommodation under the Americans with Disabilities Act, at the Secretary's level.
- Meeting with CDCR administrators to review policy and procedure needs as revealed by inmate appeals.
- Conducting audits of the facility appeals units.

#### **11010.9.2 Division of Adult Parole Operations**

The Division of Adult Parole Operations (DAPO) provides supervision and services for individuals on parole or outpatient status following their terms in State prison. In addition, the DAPO administers community-based correctional center programs.

##### **11010.9.2.1 Parole Operations**

The DAPO is organized into four Regions. Each Region is supervised by a Regional Parole Administrator (RPA). The regional offices administer more than 182 unit offices and 4 Parole Outpatient Clinics (POCs) located throughout the State.

##### **Region I**

Includes the entire central valley from Kern County (south) to Siskiyou County (north) to the Oregon border, and oversees the Interstate Compact Agreement Unit.

##### **Region II**

Includes San Francisco, the north coast from Monterey County to the Oregon border, and the south coastal counties to Ventura and San Luis Obispo Counties.

##### **Region III**

Includes Los Angeles County.

##### **Region IV**

Includes the San Diego area, extending north to San Bernardino County and oversees the Civil Addict Legal Program Unit.

#### **11010.9.2.2 Parole Operations Unit**

Parole Operations Unit (POU) is responsible for training, peer audits, and rehabilitation services. The Parole Operations Unit serves as a liaison with the BPH, law enforcement agencies, and other divisions and departments; supports legislative bill analysis; develops parole policies and procedures; and special projects related to substance abuse treatment control, Parole Operations Clinics (POC), and asset forfeiture. Additionally, this unit monitors compliance with existing policies and procedures. It maintains liaison with information systems units; collects and analyzes information from field operations (arrest data, holds, continue-on-parole actions, violations, etc.); coordinates American Correctional Association accreditation; and addresses parolee/inmate appeals, grievances, and correspondence.

#### **11010.9.2.3 Parole Outpatient Clinics**

The POCs operate a Mental Health Services Continuum Program (MHSCP) for parolees who were receiving mental health treatment while incarcerated. The MHSCP seeks to reduce recidivism and improve public safety by providing timely, cost-effective mental health services to reduce the symptoms of mental illness among parolees and optimize their level of individual functioning in the community. The MHSCP provides pre-release needs assessment, benefits eligibility, and application assistance to paroling mentally ill inmates. POCs provide additional services to parolees that include initial mental health evaluations, individual and group therapy, medication management, and referrals to community agencies. POCs are housed in various parole units throughout the State with a headquarters located in each parole region (Sacramento, Oakland, Los Angeles, and Diamond Bar) administratively reporting to the RPA.

#### **11010.9.2.4 Program Development Unit**

The Program Development Unit develops, implements, and oversees the Preventing Parolee Crime Program and other parolee programs. Program components are designed to address the major barriers to parolee success (i.e., unemployment, substance abuse, illiteracy, and homelessness) and help parole agents manage at-risk parolees more effectively. Program goals are to reduce the recidivism rate, increase public protection, and make parolees productive, tax paying members of society. Program components include:

##### **Job Placement Programs**

- Offender Employment Continuum.
- Employment Development Department Job Specialists.
- Substance Abuse Treatment.
- Substance Abuse Treatment and Recovery Program.
- Parolee Services Network.
- Controlled Substances Urinalysis Testing.
- Computerized Literacy Learning Centers.
- Residential Multi-Service Centers.

#### **11010.9.2.5 Administrative Support Unit**

The Administrative Support Unit coordinates support services to the field including:

- Automation and fiscal support.
- Personnel.
- Procurement.
- Telecommunications.
- Business services.
- Contract review and analysis.

#### **11010.9.2.6 Parole Automation Support Unit**

The Parole Automation Support Unit (PAS) is the liaison between DAPO, DAI, and external law enforcement users of parolee information. PAS provides the benefits of several databases to ensure timeliness, accuracy, and availability of parolee information. The databases include:

- Interim Parolee Tracking System.
- Revocation Scheduling and Tracking System.
- Parole Law Enforcement Automated Data Systems.
- Statewide Parolee Database, master database.

#### **11010.9.2.7 Civil Addict Legal Processing Unit**

The Civil Addict Legal Processing Unit conducts hearings for civil addicts to determine if they have violated conditions of their outpatient/civil addict parole status. This program reports directly to the RPA, Region IV.

#### **11010.9.2.8 Interstate Compact Agreement Unit**

The Interstate Compact Agreement Unit at Region I, headquarters, coordinates functions of the Interstate Compact Agreement and reports to the RPA, Region I.

**11010.10 Division of Correctional Health Care Services**

The DCHCS is responsible for consistently providing quality health care to the inmate population within the custodial environment. Quality of care is defined as timely, appropriate, effective, and efficient health care provided within an accepted scope of services and consistent with community standards of care. The Director, DCHCS, provides overall administrative direction for the program.

**11010.10.1 Clinical Policy and Field Management Branch**

Primary functions include:

- Planning and developing statewide clinical policies and programs.
- Assisting with implementation of policies and programs in the field.
- Administering the programs in the field based on policies and performance data.
- Evaluating the performance of programs and professional practices.

Based on these four functions, this branch is organized into two major Sections: Clinical Policy and Programs, and Field Management.

**11010.10.2 Clinical Policy and Programs Section**

This Section consists of staff members who primarily work within one of three units in headquarters. The units include Clinical Standards and Services, Public Health and Prevention, and Clinical Programs Support.

**Clinical Standards and Services Unit**

Primary functions include:

- Planning and develops standards and structures for clinical operations, professional practice, and management of clinical quality and utilization including use of licensed beds, contract specialty services, and pharmaceutical drugs.
- Planning and developing the orientation, training and development program.
- Providing clinical services and consultations. Clinical operations include programs that span disciplines of public health, medicine, surgery, nursing, dentistry, mental health, and pharmacy.

**Public Health and Prevention Unit**

The primary function is to collaborate and coordinate with the Clinical Standards and Services and Clinical Programs Support units, and the Field Management Section to plan, develop, and evaluate key public health and prevention programs that focus on Hepatitis C, and inmate-patient education and prevention services. In addition, this program will assist the Office of Risk Management (ORM), and the Academy, in projects and training activities that focus on reducing the risks of communicable diseases and occupational injuries.

**Clinical Programs Support Unit**

Primary functions include:

- Developing and maintaining clinical information systems that monitor and analyze data collected from several priority areas to ensure compliance with standards of care, program policies, and court mandates.
- Generating routine and ad hoc reports that assist in management decisions.

**11010.10.3 Field Management Section**

This Section consists of staff members who primarily work within one of two units at regional and institutional sites. The units include the Quality Management Assistance Program and Regional Administration.

**Quality Management Assistance Program Unit**

Using two types of teams, the Quality Management Assistance Teams and the Utilization Management Assessment Teams, primary functions include:

- Facilitating implementation of statewide policies and programs.
- Providing appropriate orientation and training.
- Monitoring and improving system and staff performance.

The Utilization Management Assessment Teams consist of registered nurses who work in the institutions. The primary duties of the nurses include:

- Ensuring compliance with the Utilization and Pharmacy Management policies, procedures, and criteria.
- Identifying opportunities to improve quality and reduce waste.

Current priorities focus on the use of registries, licensed correctional beds, costly medications, and community contract services, including emergency services, hospital beds, and requests for referrals for transplant evaluations.

**Regional Administration Unit**

The primary function of this unit is to administer and manage health care programs in the field based on statewide priorities, policies, and performance requirements. The Regional Administration Unit consists of three regions:

**Northern Region:**

- California Correctional Center (CCC).
- California Medical Facility (CMF).
- California State Prison, Sacramento (SAC).
- California State Prison, San Quentin (SQ).
- California State Prison, Solano (SOL).
- Deuel Vocational Institution (DVI).
- Folsom State Prison (FOL).
- High Desert State Prison (HDSP).
- Mule Creek State Prison (MCSP).
- Pelican Bay State Prison (PBSP).
- Sierra Conservation Center (SCC).

**Central Region:**

- Avenal State Prison (ASP).
- Central California Women's Facility (CCWF).
- California Men's Colony (CMC).
- California State Prison, Corcoran (COR).
- California Substance Abuse Treatment Facility and State Prison at Corcoran (SATF).
- Correctional Training Facility (CTF).
- North Kern State Prison (NKSP).
- Kern Valley State Prison (KVSP).
- Pleasant Valley State Prison (PVSP).
- Salinas Valley State Prison (SVSP).
- Valley State Prison for Women (VSPW).
- Wasco State Prison-Reception Center (WSP).

**Southern Region:**

- California Correctional Institution (CCI).
- California Institution for Men (CIM).
- California Institution for Women (CIW).
- California Rehabilitation Center (CRC).
- Calipatria State Prison (CAL).
- California State Prison, Los Angeles County (LAC).
- Centinela State Prison (CEN).
- Chuckawalla Valley State Prison (CVSP).
- Ironwood State Prison (ISP).
- Richard J. Donovan Correctional Facility at Rock Mountain (RJD).

**11010.10.4 Resource Management and Administrative Support Branch**

The primary functions include:

- Developing administrative processes and procedures to support clinical policies and programs at division headquarters and in the field.
- Developing and maintaining appropriate resource development and management procedures.
- Developing, coordinating, implementing, monitoring, and evaluating health care fiscal, quantitative, and programmatic data collection systems and processes to assist in program analysis and planning efforts.

Based on the functions listed above, this branch is organized into three major sections: the Fiscal and Business Management Section, the Licensing and Information Systems Section, and the Program and Policy Coordination Section.

**11010.10.4.1 Fiscal and Business Management Section**

This Section consists of administrative and analytical staff that primarily work in the DCHCS headquarters which includes four units: Contracts, Health Care Cost Utilization Program (HCCUP), Fiscal Management, and Capital Outlay.

**Contracts Unit**

The primary functions include:

- Developing and negotiating Master Health Care Contracts.

- Developing and implementing statewide contract policies and strategies.
- Evaluating and piloting managed care alternatives.
- Monitoring statewide contracts.

#### **HCCUP Unit**

The primary functions include:

- Developing, implementing, and maintaining automated statewide systems for health care cost accounting and reporting; census and discharge data collection and reporting; and reporting standardized information on statewide health care cost utilization that supports planning, budgeting, and management needs of DCHCS.
- Developing patient profiles to assist the DCHCS management in anticipating trends for the purpose of developing future programs and resources requests.

#### **Fiscal Management Unit**

The primary functions include:

- Developing, implementing, and maintaining.
- Consulting with Health Care Managers (HCMs) and participating in the training for HCMs and other health care staff on the systems processes, and reporting responsibilities inherent in budget management.
- Developing and preparing budget concept statements and budget change proposals, including statewide budget change proposals.
- Providing direction and support to field managers on trends that could affect their ability to maintain costs within allocated levels, and works closely with managers within the division and other divisions within the Department to develop staffing formulas and ratios.
- Establishing and maintaining reporting and monitoring systems and annual allocations.

#### **Capital Outlay Unit**

The primary functions of this unit are directing and coordinating the division's capital outlay and materials management processes.

#### **11010.10.4.2 Licensing and Information Systems Section**

This Section consists of administrative and analytical staff that work in the DCHCS headquarters and include three units: Health Insurance Portability and Accountability Act (HIPAA) Compliance, Information Systems, and Licensing.

##### **HIPAA Unit**

The primary functions include:

- Researching, developing, and implementing standardized policies and procedures for the Department's HIPAA program areas.
- Identifying and assisting in the implementation of improvements in information processing to enhance efficiency and effectiveness of the Department's health care services.
- Coordinating the assessment and improvement of statewide systems.

##### **Information Systems Unit**

The primary functions include:

- Supporting computer and computer related equipment and printers used by DCHCS staff.
- Coordinating with the EIS, DAI, and other programs and agencies regarding health care information system activities and processes.
- Developing, implementing, and coordinating health care data collection and information processing procedures.

##### **Licensing Unit**

The primary functions include:

- Preparing new health care facilities for initial licensure.
- Assisting existing licensed health care facilities to maintain licensure.
- Assisting clinical staff to develop and implement policies and procedures, including new statutory and regulatory requirements.

#### **11010.10.4.3 Program and Policy Coordination Section**

This Section consists of administrative and analytical staff that work in DCHCS headquarters and include three units: Education, Training and Telemedicine, and Policy and Planning Coordination.

#### **Education Unit**

The primary function of this unit includes the coordination, planning, and provision of the educational programs of the Division, including the Inmate Peer Education Program and the Continuing Medical Education program.

#### **Training and Telemedicine Unit**

The primary functions include:

- Planning, organizing, developing, conducting, and evaluating health care training programs.
- Planning, development, and management of the telemedicine services program, including the development of service sites, development of policies and procedures to coordinate clinical services, selection and installation of appropriate telemedicine equipment, data collection, service monitoring, and evaluation.

#### **Policy and Planning Coordination Unit**

The primary functions include:

- Developing programs and administrative functions relating to the design and implementation of health care planning efforts.
- Coordinating the planning and policy research, analysis, and development between the units of the division.
- Analyzing health care statutory and regulatory changes and proposals.

#### **11010.10.5 Personnel Section**

This Section consists of administrative and analytical staff whose primary functions include the development and maintenance of an effective division personnel program and the oversight and processing of personnel transactions and procedures.

#### **11010.11 Chief Deputy Secretary, Adult Programs**

The Chief Deputy Secretary, Adult Programs, serves as advisor to the Secretary and supervises the following programs.

#### **11010.11.1 Education/ Inmate Programs**

The Education and Inmate Programs Unit (EIPU) administers CDCR policies and procedures governing:

- Academic education.
- Funding allocations.
- Curriculum development of basic literacy instruction.
- High school courses and/or equivalency programs.
- Vocational education.
- Funding allocations.
- Curriculum development of basic entry level to advanced skills in a wide variety of vocational programs.
- Recreation/physical education programs.
- Institutional recreation programs.
- Physical fitness and physical fitness training in those institutions responsible for providing inmate firefighters.
- Inmate libraries and law libraries.
- Funding allocations for general libraries as well as the contents of the general collection.
- Guidelines for law library access and materials that meet court requirements.
- Apprenticeship programs - For qualified inmates in vocational education allowing the opportunity to use on-the-job training and related classroom instruction to increase skill level in a trade area.
- Pre-release programs - Voluntary program offered to inmates emphasizing employability skills, communication skills, money management skills, community resources, and parole resources.
- Federal Education Grants - Grant funds are allocated to specific education programs in accordance with State Administrative Manual (SAM), the United States Department of Education guidance, and the California State Department of Education State Plan.

The EIPU assists in the development of education programs for new prisons and for special projects within the above fields.

#### **11010.11.2 Office of Community Resources**

The Office of Community Resources (OCR) includes two units: the Community Resource Unit (CRU) which provides policy to field Community Resources Managers (CRMs) in the areas of community services, religious programming, volunteers, donations, and Citizen Advisory Committees (CAC); and the Women and Children's Services Unit (WCSU) which operates and oversees the prisoner mother programs, which are community based programs for female substance abusing inmates and their children six years of age and younger.

### Community Resource Unit

In conjunction with facility CRMs and headquarters operations, CRU works proactively with volunteer organizations, law enforcement agencies, schools, universities, corporations, and various other agencies to build a positive working relationship between the CDCR and the community. The CRU promotes the provision of services and the CDCR involvement with local communities in the following areas:

- **Community Service** - Through the CRMs in each facility and through its responsibility for policy regarding the CAC, OCR promotes and guides the Department's efforts to assist communities using inmate labor and departmental facilities.
- **Religious Programming** - Working through the CRMs, Chaplains, and the statewide Chaplains' Coordinating Committee, this unit administers, interprets, and formulates religious policy and procedures; acts as liaison between the CDCR and major national, State, and local religious organizations; reviews chaplain selections prior to appointment; and advises on the conduct of religious programs and in-service training for chaplains.
- **Service Contracts** - Special programs administered by CRU include support services for inmates/families provided through two service contracts that are awarded to nonprofit organizations through a competitive bid process. These contracts are as follows:
  - **Visitor Center Program** which provides prison visitor services and establishes visitor centers at all State prisons with an inmate population of more than 300 inmates. Each visitor center provides assistance to visitors with transportation between public transit terminals and prisons, child care for visitors' children, emergency clothing, information on visiting regulations and processes, referrals to other agencies and services, and a sheltered area outside of the security perimeter for visitors who are waiting before or after visits.
  - **Prison Representative Programs** which provides non-departmental personnel in correctional institutions to increase communication and visits between inmates and their families, increase contacts between institutional staff and families of inmates, locates lost relatives, and reduces anxiety regarding families and/or personal problems. The contract staff provide counseling, reentry, employment, or educational services. In emergencies, contract staff facilitate legal services, food, clothing, transportation, and lodging for inmate families.
- **Volunteers** – The OCR formulates and administers policies and procedures for volunteer activity by the community and staff. Data is collected for statistical reports and dissemination.
- **Donations** – The OCR facilitates, authorizes, and screens thousands of dollars worth of material and services donated yearly by individuals and businesses located throughout the State.

### Women and Children Services Unit

The Women and Children Services Unit oversees and operates the Community Prisoner Mother Program (CPMP) and the Family Foundations Program (FFP). These programs are mandated by PC 3411 and 1174, respectively. Both programs house and provide services critical to parole success to female substance abusing inmates and their children six years of age and younger. CPMP inmates are referred from the institutions, while FFP inmates are referred from the courts as an alternative to prison.

### 11010.11.3 Division of Addiction and Recovery Services (Formally - Office of Substance Abuse Programs)

The Division of Addiction and Recovery Services (DARS) serves as the centralized point of substance abuse treatment and recovery program development, management, coordination, and program fund administration. The DARS:

- Develops CDCR standards for substance abuse treatment and recovery programs to ensure that offenders housed within the CDCR facilities and those supervised within the community receive consistent, quality programs likely to impact the drug use and crime continuum.
- Develops new and innovative pilot substance abuse and recovery programs in CDCR facilities and community settings.
- Monitors program implementation and audits program operation.

- Drafts regulations pertinent to the operation of substance abuse programs to ensure consistent program development.
- Provides grant management for substance abuse-related grant projects, and seeks potential grant sources which may provide assistance in furthering CDC's programs.
- Establishes a strategic plan to address offender needs for treatment and recovery services.
- Assesses strategic plan progress.
- Assesses the status of the delivery of program services to CDC's offender population.
- Manages the Joint Venture Program (JVP) pursuant to the 1990 Inmate Labor Initiative.

### 11010.12 Director, Division of Support Services

*Updated January 6, 2010*

The Director, Division of Support Services, serves as advisor to the Secretary.

The Director, Division of Support Services, supervises the following functions for all program and administrative purposes:

- HR.
- ODT.
- SSB.
- OFM.
- OFS.
- BMB.
- OCS.
- RPMB.

### 11010.12.1 Human Resources

The HR has statewide administrative responsibility for the following:

- Human service functions in the areas of health and safety, personnel, labor relations, and training.
- Recruiting, testing, and appointing peace officers and medical staff.
- Conducting background investigations, processing employees' fingerprints, and subsequent arrest notifications.
- Supporting the CDCR's business affairs in the areas of procurement and contracting to ensure that overall departmental objectives are met.
- Providing advocacy and overseeing the Small Business (SB) and Disabled Veterans Business Enterprise (DVBE) Programs.

### 11010.12.1.1 Office of Personnel Management

The Office of Personnel Management (OPM) is responsible for establishing CDCR personnel policies and ensures that all personnel actions and examinations are conducted in compliance with applicable control agency laws, rules, policies, and procedures. The OPM provides the technical personnel assistance to managers and supervisors throughout the CDCR. It also reviews and approves classification requests and personnel actions; reviews proposed adverse personnel actions; and conducts periodic audits of all personnel actions throughout the CDCR. The OPM is responsible for administering payroll and personnel programs, including benefits, and for managing a number of automated personnel systems for the CDCR, including the Watch Office Tracking System and the Personnel Post Assignment System. OPM is also responsible for all employee placement actions in the CDCR and serves as the primary liaison with SPB and Department of Personnel Administration (DPA).

### 11010.12.1.2 Personnel Operations

Personnel Operations is divided into two service functions: Personnel Operations Section (Field) and Personnel Operations Section (Central Office and Parole).

The Personnel Operations Sections provide managers and supervisors with technical personnel management advice concerning selection, classification, and compensation as well as merit issues. As an extension of the DPA and SPB, section staff ensures that appointments and assigned duties meet all legal and classification requirements. Additionally, these sections are responsible for maintenance and revision of CDC's classification plan. In this capacity, staff develops proposals for control agency approval regarding new/revised classification and special salary actions such as recruitment and retention differentials. The section staff are responsible for reviewing proposed adverse personnel actions to determine compliance with SPB standards and providing consultation to management on adverse personnel action procedures and processes. The staff also provide guidance, direction, and training to institution personnel offices and headquarters' liaison staff on delegated matters.



### 11010.12.1.3 Personnel Liaison Unit

The Personnel Liaison Unit (PLU) has several major functions and serves as the CDCR “clearinghouse” for all issues related to the Fair Labor Standards Act (FLSA), the federal Family and Medical Leave Act (FMLA), the California Family Rights Act, and other various leave entitlements (collectively referred to herein as the FMLA). Responsibilities include research, development, and negotiation of resolutions to employee complaints filed with the Department of Labor or other outside agencies, FLSA/FMLA-related lawsuits, and FLSA/FMLA-related grievances. The PLU coordinates the efforts of control agencies and the CDCR budget and accounting staff to ensure the accurate and timely processing of settlement payments; responds to FLSA/FMLA inquiries from institutions, headquarters, and the control agencies; and provides FLSA/FMLA training for supervisors and managers.

The PLU is responsible for complex salary determinations; provides training to headquarters and institution personnel staff on salary determinations; and administers implementation of new salary-related programs. The PLU also provides technical personnel support during collective bargaining and provides ongoing support to management, CDCR’s labor relations staff, and institution personnel staff on personnel-related collective bargaining issues.

The PLU works with the institutional and headquarters personnel officers to improve efficiency and effectiveness of personnel operations through the development of tools and standardized resources necessary to enable personnel staff to function consistently throughout the CDCR and administers several statewide programs (e.g., Conflict of Interest, Supervisory Bonus Awards, Incompatible Activities, etc.).

### 11010.12.1.4 Personnel Examining Section

The PES administers CDCR’s civil service examining program on behalf of SPB under the decentralized selection program. PES services are divided into two testing program areas: Central Testing Unit (CTU) and Regional Testing Liaison Unit (RTLUL).

#### Central Testing Unit

The Central Testing Unit conducts both promotional and open examinations for service-wide classes and classes unique to the CDCR; provides consultation and technical assistance to CDCR managers, supervisors, staff, and the public upon request; interprets and applies civil service merit system laws, rules, policies and procedures; and CDCR policies, procedures, and processes related to personnel examining.

#### Regional Testing Liaison Unit

The RTLUL manages CDCR’s statewide-delegated testing program. Under this program, the Local Testing Offices (LTOs) administer examinations on a local basis. The LTOs include the facilities, HR, New Prison Activation Unit, and Correctional Training Center (CTC). The RTLUL provides LTOs with training, consultation, technical assistance, and oversight to ensure compliance with the civil service merit system’s laws, rules, policies, and procedures. In addition, the RTLUL provides LTOs with explicit written materials necessary to administer examinations.

### 11010.12.1.5 Personnel Services Section

The Personnel Services Section (PSS) administers the payroll and personnel programs for headquarters’ and DAPO staff. These programs include position control, employee benefits, and workers’ compensation. The PSS also provides certification of eligibility lists for headquarters and DAPO.

### 11010.12.1.6 Personnel Automation Section

The Personnel Automation Section (PAS) develops, implements, maintains, and provides training for custody time and post assignments systems. These automated systems document attendance, position control, post assignments, and produce management reports. The PAS provides State Controller’s Office (SCO) Management Information Retrieval System reports, and serves as a liaison with SCO, headquarters units, and other public and private agencies regarding automated personnel systems.

### 11010.12.1.7 SB/DVBE Program Advocacy

The HR functions as the departmental advocate for SB and DVBE by developing, implementing and monitoring policies and procedures that are used statewide to achieve SB/DVBE participation goals in contracting and procurement. The HR coordinates and monitors departmental efforts on a statewide basis and submits mandated reports

on CDCR’s participation levels and action plan to achieve SB/DVBE participation goals.

### 11010.12.2 Office of Departmental Training

The Office of Departmental Training (ODT) is responsible for developing and delivering training programs in support of the CDCR and its staff. The ODT is also responsible for the overall management of the Department training program and ensuring that the Department’s training goals and objectives are met. The ODT carries out these responsibilities through the Training Academies Section, the Training Development and Support Section (TDSS), and the Business Support Section (BSS). The Training Academies and the BSS are located at the Richard A. McGee CTC.

#### 11010.12.2.1 Training Academies Section

The Training Academies Section is responsible for the administration and oversight of the Basic Correctional Officer Academy (BCOA); the academies for Correctional Sergeants and Correctional Lieutenants; basic and advanced supervision training; management training; PC 832 training; and special instructor training programs.

#### Training and Development Support Section

The Training and Development Support Section (TDSS) consists of the Training Technology Services; Curriculum Development; and Training Planning and Field Support units. The TDSS is responsible for integrating technology training and adapting new automation technology into departmental training programs, evaluating departmental training courses, developing lesson plans and curriculum for CDCR training programs and academies, serving as the liaison with the Curriculum Review Committee of the CPOST, and providing functional direction and technical support to institution in-service training offices.

#### Business Services Section

The BSS is comprised of the Food Services, Plant Operations, Personnel Services, Procurement Services, and Technical Services units. The BSS is responsible for the preparation of cadet meals and the overall maintenance, repair, and upkeep of the CTC. In addition, the BSS is responsible for the administration and oversight of the Department’s Badge Program.

### 11010.12.3 Selection and Standards Branch

The Selection and Standard Branch (SSB) is responsible for recruitment of both peace officers and health care professionals for all institutions and assuring that all individuals appointed as peace officers in the CDCR meet the legal requirements for appointment and are suitable for the responsibilities and authority conferred upon peace officers. The SSB accomplishes this by administering the examinations for entry-level peace officer classifications, conducting background investigations and pre-employment medical examinations for all new appointments to peace officer positions, and establishing qualification and suitability standards for appointment as a peace officer in CDC. The SSB is responsible for making the initial appointment of all Correctional Officers (CO) and Medical Technical Assistants (MTA) to fill the staffing needs of the institutions. It is also responsible for providing service to CDC hiring authorities via the Individual Service Request process to facilitate the appointment of peace officers. SSB also conducts background investigations on appointees to selected case records series classifications. (See DOM, Chapter 3, Article 16.)

#### Selection Centers

Selection Centers in northern, central, and southern California are responsible for administering the various testing components of the CO, MTA, CC I, and Parole Agent (PA) I examinations and for conducting all background investigations required by law or CDC policy. The selection centers are the primary service providers in SSB to the various CDC hiring authorities wanting to make peace officer appointments. The selection centers are located in Sacramento, Fresno, and Rancho Cucamonga.

#### Standards and Appointments Section

The SAS is responsible for planning, recommending test standards, and developing testing material to be used in entry-level peace officer examinations. The SAS also conducts validation studies to improve peace officer selection and training standards, and recommends policies and procedures related to the appointment and retention of CDC peace officers. The SAS administers the pre-employment medical process for all peace officer appointments and makes all appointments to the BCOA from the CO eligible list. The SAS also administers the MTA examination and appointment process.

#### Selection Support Section

The Selection Support Section (SSS) provides administrative support to the selection centers and SAS to assist them in processing applicants through the various selection procedures. The SSS is responsible for managing the information system used to track and process applicants, generating reports regarding the status of various examination and selection components, providing on site support to staff using SSB local and wide area networks, coordinating information transfers between SSB and the SPB to establish certification lists for

CCI and PAI, and serving as SSB liaison with the ISB. SSS handles the processing of mass mailing to applicants and the mass processing of various machine readable examination documents used by SSB.

#### **Health Care Recruitment Unit**

The Health Care Recruitment Unit is committed to recruiting high-quality medical professionals for staffing at facilities in accordance with the Department's mission of delivering a balance of quality and cost-effective health care in a safe, secure correctional setting.

#### **Peace Officer Recruitment Unit**

The Peace Officer Recruitment Unit (PORU) is committed to recruiting entry level peace officers for staffing at facilities. The hard-to-fill categories of CO and MTA are the focus of PORU.

#### **11010.12.4 Office of Facilities Management**

The OFM has responsibility for telecommunication planning and management, all capital outlay planning, and managing the construction, renovation, and maintenance of facilities. The OFM has five branches:

- Facility Planning and Finance Branch.
- Project Development and Management Branch (PDMB).
- Day Labor and Professional Services Branch.
- Security Operations and Maintenance Branch (SOMB).
- Telecommunications Branch.

##### **11010.12.4.1 Facility Planning and Finance Branch**

The Facility Planning and Finance Branch administers a broad scope of planning, financial management, contract management, and administrative support functions for prison construction, and the Major/Minor Capital Outlay, Special Repair, and Energy Management Programs. These responsibilities include preparation of an annual five-year facilities master plan for new prison and capital outlay programs; bond management for a \$5 billion construction program; development of the Department's capital outlay program for the Governor's budget; management of the consultant/construction contracting and payment processes; and supports the analysis of legislation affecting any programs of the Division. The branch is also responsible for energy management programs, and compliance with the California Environmental Quality Act for new prison construction, prison expansion, and other construction or remodeling projects.

##### **11010.12.4.1.1 Financial and Project Support Section**

The Financial and Project Support Section:

- Develops and administers the Department's five-year Infrastructure Plan.
- Budgets and financially manages the capital outlay appropriations, interim loans, and bond proceeds.
- Administers contracts for capital outlay projects.
- Supports division staff's Information Technology (IT) needs.

#### **Infrastructure Planning Unit**

In accordance with Assembly Bill 1473, Chapter 606, Statutes of 1999, the Infrastructure Planning Unit develops annually a Five-Year Infrastructure Plan (Plan) in conjunction with the Governor's budget that identifies the Governor's capital outlay policies and funding priorities for each five-year period. In addition to this responsibility, the Infrastructure Planning Unit:

- Works with departmental management to establish multi-year priorities and identify facility deficiencies and capacity needs according to departmental objectives and programmatic standards, guidelines, and priorities.
- Defines data needs, develops assessment tools, directs and coordinates statewide studies, and evaluations to identify and prioritize infrastructure needs.
- Prepares the Plan and coordinates the inclusion of all capital outlay budget change proposals and capital outlay concept papers covering the five-year planning period.

#### **Project Support Unit**

Project Support is primarily responsible for managing the fiscal aspects as well as contract development and management in support of the Department's prison construction and capital outlay programs.

For the fiscal aspects, responsibilities include:

- Capital outlay budget preparation.
- Interim loan and bond fund management.

- Ongoing financial management of prison capital outlay projects.
- Legislative/Public Works Board Capital Outlay submittals.
- OFM support budget.
- Quarterly reports for the legislature, control agencies, and other interested parties on the status of authorized projects and development of other reports and materials as needed for special projects, presentations, or legislative hearings.

The contract responsibilities of the unit include:

- Audit and prepare payments of all prison construction related invoices.
- Participation in scope and fee negotiations with construction managers, architects, and engineers.
- Audit and approval of construction change orders reflecting additions or changes to construction contracts.
- Preparation of all prison construction related contract and amendment requests.
- Log and track contract related documents from receipt through audit and approval.

##### **11010.12.4.1.2 Capital Outlay Section**

The Capital Outlay Section is responsible for the Department's capital outlay and special repair programs and serves as a liaison with institutions on facility related issues. The section also has a lead role in working with the Department of Finance (DOF) and Legislative Analyst's Office on capital outlay issues.

The Section's responsibilities include:

- Major/minor capital outlay funding preparation and project Management.
- Special repair funding preparation and project management.
- Budget package preparation.
- Section 6.00 (Budget Act) and architecture/engineering reviews.
- Liaison with institutions on facility related issues.
- Design development.
- Public works board approval.
- Governor's budget submittal.
- Miscellaneous projects such as the DGS funded seismic retrofit projects in our facilities.

##### **11010.12.4.1.3 Energy Management Section**

The Energy Management Section's primary function is to make California's prisons as energy efficient as possible and procure the least costly energy available.

The Energy Management Section:

- Obtains financing and oversees design and construction activities for energy efficiency projects at the facilities.
- Monitors gas and electricity costs in order to take advantage of market conditions and regulatory changes in an effort to procure the best energy contracts.
- Monitors utility bills to ensure accuracy of invoices and maintains database of energy usage.
- Updates the peak load reduction plans annually to assist facility managers in determining and managing non-essential electrical loads in order to meet executive orders on energy efficiency.
- General support to facilities on utility issues.

##### **11010.12.4.2 Product Development and Management Branch**

The PDMB oversees the daily operations of design, construction, activation, contract closeout, and claims management for new State prisons and existing facilities repair/renovation projects. The Branch provides policy direction to diverse program areas of construction operations including site selection, project management, architectural/engineering services, construction management, contract solicitation/negotiation, quality assurance, and claims management. Responsibilities include, but are not limited to, the following:

- Plan, design, and construct new facilities and renovate existing facilities.
- Develop design and construction proposals for capital outlay.
- Develop and administer design, construction, and project management and contract strategies, policies, and procedures.
- Develop joint powers agreements with local jurisdictions for on-site and off-site utilities.
- Negotiate scope and fees for construction and consultant contracts and interagency agreements.
- Negotiation, resolution of cost claims, and arbitration support to OLA.

#### 11010.12.4.2.1 Project Management Section

The Project Management Section manages each of the project teams to control schedules, scope, and budgets of all new prison and existing facilities projects, and effective day-to-day design and construction operations.

#### 11010.12.4.2.2 Project Services Section

The Project Services Section reviews the work of consulting architects, engineers, and inspectors under contract with the CDCR in the preparation of plans, specifications, and cost estimates for construction bid packages of new and existing facility construction. It also oversees the on-site construction management team; administration of construction contracts; coordinates independent inspection of facilities; and intervenes, as necessary, to resolve field disputes.

#### 11010.12.4.3 Day Labor and Professional Services Branch

The Day Labor and Professional Services Branch plans, organizes, and administers a statewide inmate work program that utilizes inmates, casual trade labor, and State staff in direct construction activities to complete major and minor capital outlay projects and significant repairs at all CDCR institutions. In addition, it contains a professional architectural and engineering staff that provides a broad range of technical services for the Department and provides construction support for the direct construction and institution public works contract management activities.

##### Material and Technical Services Section

The Material and Technical Services Section provides a broad range of administrative services in support of the project construction activities undertaken by the Inmate Day Labor (IDL) program. These services include the development, ordering, and processing of material and equipment orders, the development and management of consultant, construction, and service agreements, and the coordination of personnel, equipment, and oversight of this programs budget.

##### Inmate Day Labor

The IDL Section administers the statewide inmate direct construction program that combines trade union craft persons and inmates under State supervision to complete public works projects at various facilities. The IDL Program undertakes viable, labor-intensive construction projects that are funded through the capital outlay and special repair programs.

##### Architecture and Engineering Section

The Architecture and Engineering Section provides a broad range of technical services to the branch and existing facilities statewide. This Section produces construction documents and provides technical construction support for the IDL program and institutions to enable them to complete construction projects. In addition, this Section provides assistance to existing facilities on technical problems requiring architectural and engineering services; coordinates technical requirements developed by consultants and other State agencies for improvement projects on existing facilities; and provides input into long-range capital improvement planning.

#### 11010.12.4.4 Security Operations and Management Branch

The SOMB provides direction and oversight to ensure the appropriate standards of security are applied to the design, construction, renovation, activation, and maintenance of the Department's facilities. Through project management, training, automation, and one-on-one support, the branch contributes to the Department's overall safety and security, and the efficient use of its resources.

##### Security Operations Unit

The Security Operations Unit (SOU) is responsible for the development and maintenance of design standards that ensure cost-effective construction while maintaining public, staff, and inmate safety. The SOU reviews major and minor capital outlay budget change proposals and Section 6.00 requests relating to facility/building renovations/modifications and when possible, ensures compliance with new prison construction standards. The unit is also responsible for the development of perimeter security systems including the design, activation, and ongoing maintenance programs of electrified fences.

##### Facilities Maintenance Unit

The Facilities Management Unit (FMU) is responsible for the development, implementation, administration, support, and compliance reviews of the Standard Automated Preventive Maintenance System (SAPMS) and the maintenance program at all State facilities. The unit

is also responsible for developing, administering, and updating the maintenance program section in DOM. The unit shall:

- Conduct on-site operational reviews to provide technical consultation and evaluate compliance with the SAPMS.
- Review and analyze the institutions' database for the inclusion of major systems (electrical, electrified fence, HVAC, personal alarms, water, wastewater, etc.) as defined, but not limited to the Functional Inventory Guide of the SAPMS.
- Provide contract management and oversight on the hardware/software maintenance contract and licensing agreements on the SAPMS equipment.
- Evaluate monthly corrective and preventive maintenance reports by facility.
- Compile information from the monthly reports as appropriate for the Regional Administrators and Deputy Director.
- Review requests from institutions to complete any in-house projects with the Program Support Unit for impact on the SAPMS.
- Coordinate, develop, and implement departmentwide studies of policy and regulations with regards to SAPMS.
- Review, analyze, and develop standard methodologies for facility management functions such as, but not limited to, a Standard Plant Operations Procedure Manual, Material & Safety Data Sheet Manuals, and Tool Control Procedures.
- Review, analyze, and provide recommendations for facility management in the areas of budgeting, staffing, and vacancies.
- Assess, analyze, and develop appropriate training programs as identified by institution staff.
- Assist EIS in the preparation of any feasibility study report as required by the DOF and DGS in maintaining the SAPMS.
- Interact with HQs, EIS, Strategic Offender Management System (SOMS) project staff, Business Information System, vendors/contractors, Associate Wardens for Business Services, Correctional Plant Managers, and Preventive Maintenance System analysts.

##### Technology Management Unit

The Technology Management Unit (TMU) shall be responsible for providing statewide coordination, implementation, and ongoing support for new "state-of-the-art" technology projects approved by the Technology Transfer Committee and the Secretary (Chapter 1, Article 3). TMU shall implement large-scale technology applications to respond to safety and security problems or to improve existing equipment to enhance institutional operations. The TMU shall:

- Develop project plans and monitor progress of implementation.
- Develop and negotiate contracts to support the applied technology.
- Manage and coordinate the delivery, placement, and installation of the system/equipment.
- Provide ongoing support and provide maintenance for the life of the program.
- Report performance history to management and recommend needed improvements/modifications to the applied technology.
- Interact as the departmental liaison during and after project implementation with headquarters, institutions, control agencies, and the business community.
- Provide presentations on the effectiveness of the technology.

#### 11010.12.4.5 Telecommunications Branch

The Telecommunications Branch has a role in all new institution construction, facility modification, and maintenance projects. As necessary, the branch designs, procures, maintains, and supports the institutions' telecommunications systems, the Inmate Security Telephone System, and radio communications in all State correctional institutions, correctional camps, and the CTC. The branch is responsible for managing funds for Department initiated telecommunications and radio projects, and maintaining project budgets.

#### 11010.12.5 Office of Fiscal Services

All fiscal services are under the direction of the Deputy Director, OFS.

##### 11010.12.5.1 Accounting Management Branch

The Accounting Management Branch is responsible for maintaining the CDCR accounting policies, procedures, and systems; for managing the Inmate Welfare Fund (IWF) and Inmate Trust Fund centralized operations, oversight of institution IWF/Trust operations; and managing the headquarters accounting and capital outlay accounting operations.

##### Accounting Policies and Procedures Section

The Accounting Policies and Procedures Section is responsible for development and maintenance of the CDCR accounting policies and procedures. This Section

works with all CDCR budget/accounting organizations and control agencies to establish consistent policies, standardized procedures, and reporting structures, and effective financial management systems.

#### **Capital Outlay Accounting Section**

The Capital Outlay Accounting Section is responsible for capital outlay project accounting for CDCR. Projects include new prison construction, major and minor capital improvements to existing prisons, and other projects administered by OFM and the IDL Program.

#### **Inmate Welfare Fund/Trust Accounting Section**

The IWF/Trust Accounting Section is responsible for the centralized accounting and budget of the IWF and has functional oversight of the inmate canteen operations. The section is also responsible for centralized control accounting for Inmate Trust Funds and the functional oversight of institution trust accounting operations.

#### **Headquarters Accounting Services Section**

The HASS performs accounting services for headquarters, DAPO, CTC, and DCHCS, prepares out-of-state travel blankets and coordinates all Victim Compensation and Government Claims Board claims.

#### **Regional Accounting, Northern California Branch**

The Regional Accounting, Northern California Branch manages four Regional Accounting Offices (RAOs) in the northern and central part of the State. Each RAO provides support accounting services for four or five institutions. Although the RAO performs a full range of accounting services, each institution retains full financial control over its budget.

#### **Regional Accounting, Southern California Branch**

The Regional Accounting, Southern California Branch manages four RAOs in southern and central California. Each RAO provides support accounting services for four or five institutions. Although the RAO performs a full range of accounting services, each institution retains full financial control over its budget.

#### **11010.12.5.2 Budget Management Branch**

The Budget Management Branch develops, implements, and controls the annual CDCR budget which is submitted to the legislature by January 10. The branch also reviews all CDCR BCPs, coordinates budgetary studies; and prepares special reports for control agencies. Additionally, this branch provides fiscal control for CDCR operations; distributes budgeted funds for each division, parole program, and facility; reviews budget reports; performs policy cost analysis and labor relations fiscal analysis; and participates in labor relations negotiations.

#### **11010.12.5.3 Fiscal Management and Standardization Branch**

The Fiscal Management and Standardization Branch oversees the development of the CDCR's fiscal management policies and operational standardization; coordinates and provides training, guidance, and mentoring on fiscal issues; collects, reviews, and analyzes complex fiscal data to achieve sound fiscal management practices; and coordinates the departmental response to various internal and external fiscal audits.

#### **11010.12.5.4 Business Information System Project**

The Business Information System Project is the Department's commitment to automate, standardize, and streamline business practices through the implementation of an Enterprise Resource Planning (ERP) solution. An ERP is a prepackaged suite of software applications designed to allow the Department to efficiently manage the human resources, financial, procurement/contract, facilities, risk, and business management functions on a real-time basis.

#### **11010.12.6 Business Management Branch**

The Business Management Branch (BMB) consists of three support services sections that include: Business and Support Services Section, Facility Leasing and Maintenance Section, and Food Services Section.

##### **Business and Support Services Section**

The Business and Support Services Section provides support services in the following areas, as well as, coordination with control agencies for the CDCR:

- Procurement of commodities.
- Oversees statewide implementation of policies, procedures, and practices.
- Departmentwide consolidated procurements.
- Materials management program.
- Centralized procurement of PIA and canteen product for the institutions.

- Cal-Buy program.
- Cal-Card program.
- Recycle Program.
- Property management.
- Records management.
- Warehousing and supply services.
- Mail services.
- Correspondence control services.
- Departmental general information telephone line.
- Reproduction services.

##### **Facility Leasing and Maintenance Section**

The Facility Leasing and Maintenance Section provides services for the CDCR's administrative and parole offices as well as modular units on institution grounds in the following areas:

- Coordination with control agencies.
- Acquisition of office sites.
- Building management/maintenance/alterations.
- Space planning.
- Lease management.
- Telecommunications/cellular telephones.
- Building security.
- Central office telephone directory.

##### **Food Services Section**

The Food Services Section develops, administers, and monitors the feeding program for all institutions (utilizing the Department's standardized menu); reviews and approves food service needs for existing prisons; coordinates with the PIA regarding food programs and products; provides training for food service staff in the institutions to maintain industry standards and compliance in food preparation, storage, and safe handling; participates in committee meetings that develops the policies and processes that impact the health and safety of the inmates (i.e. Food Borne Illness); works with the DCHCS and DAI in developing food programs that address the medical/religious concerns of the inmate population; and assists the OFM on issues relating to new prison construction.

#### **11010.12.7 Office of Contract Services**

The Office of Contract Services (OCS) has statewide responsibility for the administration of all contract activities to ensure that all CDCR contracts and agreements are executed in compliance with State laws and regulations. The OCS consists of four sections which include: Construction Contracts and Bid Packages Section (CC&BPS); Institution Medical Contracts Section (IMCS); Institution Service Contracts Section (ISCS), Services Contracts Section (SCS); and two branch support units: Automation Support Unit and Special Projects/Policy Unit.

##### **Construction Contracts & Bid Packages Section**

The Construction contracts & Bid Packages Section (CC&BPS) coordinates all aspects of new prison construction contracts that include: advertising, bidding, awarding, preparing, and processing contract documents through the OAG. The CC&BPS is responsible for facilitating the contracting process for the IDL program, the energy management program and various public works projects for CDCR's institutions and other State owned facilities.

The CC&BPS prepares and processes a wide variety of new prison construction related contractual agreements for areas such as: architectural and engineering, construction testing, surveying, and inspection; and construction and program management services. Additionally, the CC&BPS processes stop notices, escrow agreements, easements, property transfer grants, and rights-of-entry relating to construction sites.

##### **Institution Medical Contracts Section**

The Institution Medical Contracts Section (IMCS) is responsible for all aspects of institution inmate medical service contracts exceeding \$5,000. The IMCS also has statewide responsibility for preparing and processing all inmate medical service contracts, such as, but not limited to, physicians, various registries, hospitals, medical groups, and any other inmate medical services requested by the institutions. Responsibilities include advertising, bidding, awarding, and preparing and processing the original or amended contract documents for approval by Department of General Services (DGS) or OCS under the Department's delegated authority. The IMCS processes medical service contracts on an individual, statewide, regional, or multiple institution basis. The IMCS works closely with the DCHCS and institution Chief Medical Officers/HCMs regarding medical contract issues.

### **Institution Service Contracts Section**

The Institution Service Contracts Section (ISCS) is responsible for all aspects of institution service contracts exceeding \$5,000, and has statewide responsibility for preparing and processing all non-medical contracts requested by CDC institutions. Responsibilities include advertising, bidding, awarding, preparing, and processing the original or amended service contract documents for approval by the DGS or OCS under the Department's delegated authority. The ISCS processes service contracts on an individual, statewide, regional, or multiple institution basis.

### **Services Contracts Section**

The Services Contracts Section (SCS) coordinates all aspects of service contracts for headquarters and DAPO. Responsibilities include advertising, bidding, awarding, preparing, and processing the original or amended contract documents for approval by the DGS or OCS under the Department's delegated authority.

#### **11010.12.8 Regulation and Policy Management Branch**

*Revised January 6, 2010*

The RPMB facilitates the policy and regulatory development process for the Adult Operations and Adult Programs of the CDCR by overseeing the revision, publication, and distribution of the Title 15, Division 3, and the DOM. The RPMB seeks to provide policies and regulations that are clear, consistent, concise, and flexible enough to serve the multifaceted operations of the CDCR and assists the CDCR division, office, and institution/facility staff in preparing policies that are consistent with applicable State laws and regulations. RPMB staff work with operating divisions to develop Administrative and Informational Bulletins, policy changes to the DOM, and regulations. Staff evaluate all proposals for potential conflicts with existing laws, regulations, policies, or collective bargaining agreements, and coordinate the printing and distribution of the Notices of Change to Regulations and the DOM (NCRs and NCDOMs) to all interested parties.

Since all regulations must meet Administrative Procedure Act (APA) requirements, the RPMB staff work with the Office of Administrative Law (OAL) to file rulemaking packages, issue public notices regarding changes published in the OAL's Notice Register, and respond to petition requests made to the CDCR. Consistent with the APA, staff schedule and hold public hearings regarding proposed regulation changes and coordinate the responses to public comments generated by proposed regulatory changes. The RPMB also maintains Intranet and Internet Homepages that features all pending and recently adopted changes to the regulations and DOM.

The RPMB manages the development and revisions of CDCR forms to ensure compliance with applicable laws, regulations, and policies; maintains and distributes the forms catalog, and acts as the forms liaison with other State agencies; and arranges for and coordinates the printing of CDC and CDCR forms.

The RPMB also maintains a Department rulemaking and policy library that consists of a reference collection and public records held in accordance with the APA. The library contains branch, topical, historic, and background files for past requests for determination, bulletins, and revisions to the DOM and regulations.

#### **11010.13 Office of Risk Management**

*Revised June 8, 2009*

The Office of Risk Management (ORM) functions to provide all CDCR employees with a safe and healthy working environment by providing consultative and technical support, as well as, policy development services to management and staff in the areas of occupational safety, staff substance abuse testing, and workers' compensation (WC). The ORM units supporting this function include: the Occupational and Environmental Compliance Unit (O&ECU), Workers' Compensation Unit (WCU), and the Disability Assessment and Support Unit (DASU), which has responsibility for the Workers' Compensation Suspicious Activity Program/Early Intervention (WCSAP/EI) programs.

### **Occupational & Environmental Compliance Unit**

The Occupational & Environmental Compliance Unit (O&ECU) provides consultative and support services to management/staff of the institutions, parole regions, and camps as well as other State departments in the following areas: Safety/injury and illness prevention programs, workplace violence, ergonomics, emergency evacuation plans, respiratory/personal protection equipment, employee assistance

and post trauma programs, environmental compliance, and the Governor's safety awards program.

### **Workers Compensation Unit**

The Workers Compensation Unit (WCU) has direct responsibility for managing the Department's WC program. The unit performs the following functions:

- Formulates strategies for controlling WC costs.
- Develops policies and provides consultative support for WC and Return-to-Work (RTW) issues.
- Provides administrative oversight and liaison services to institutions' RTW Coordinators.
- Manages sensitive WC cases.
- As a current pilot program, reviews and provides settlement approval for WC cases that meet certain guidelines.

### **Disability Assessment & Support Unit**

The Disability Assessment & Support Unit (DASU) provides policy development and consultative support in the following areas: Americans with Disabilities Act, Fair Employment and Housing Act, Medical Personnel Actions, WC and RTW issues, the WCSAP, and EI programs. For WC and RTW issues, the DASU has direct responsibility for HR, Headquarters, DAPO Region I, the CTC, and provides administrative oversight and liaison services to DAPO RTW Coordinators. The WCSAP monitors WC claims for abuse and possible fraudulent activity and also markets, trains, educates, and provides information to management and employees on the consequences of obtaining benefits fraudulently. The EI program provides benefit counseling and medical treatment to employees with qualifying industrial injuries. The intention of the EI program is to reduce all costs associated with the delivery of WC benefits, in balance with the need to ensure timely and adequate benefits to the injured worker. The DASU also assists the institutions and the DAPO in the selection of independent vendors to provide EI services.

#### **11010.14 Office of Labor Relations**

The Office of Labor Relations is responsible for establishing policies and planning, organizing, developing, monitoring, and administering positive and effective labor-management relationships and services among CDCR, its employees, and recognized employee organizations, thereby ensuring the delivery of CDCR services to the public with minimum disruption. This is accomplished because the Office of Labor Relations:

- Represents management in all areas of labor-management relations, including contract negotiations and administration, statewide and local meeting and conferring, and in handling employee grievances and complaints.
- Establishes policies and procedures related to labor-management relations.
- Provides all levels of management with accurate interpretations of applicable policies, rules, laws, and contract provisions.
- Provides staff support and consultation services to all levels of management regarding rights and responsibilities under the Ralph C. Dills Act and the labor contracts.
- Implements the collective bargaining law for all covered employees and the excluded employees bill of rights.
- Provides a resource for negotiating labor contracts under the Ralph C. Dills Act.
- Provides training and advice on labor relations issues.

#### **11010.15 Office of Public and Employee Communications**

The Office of Public and Employee Communications:

- Acts as a liaison for the Department and several of its constituencies and maintains direct contacts with local, State, national, and international print and broadcast media.
- Provides functional supervision, training, and guidance to headquarters, facilities, and parole regions on public and community relations issues.
- Prepares and distributes brochures, videotapes, and informational materials to legislators, the media, and the general public.
- Prepares and distributes printed and videotaped training materials for headquarters, facilities, and parole regions.
- Coordinates and plans the annual Medal of Valor Awards ceremony.
- Oversees the publishing of the Department's official newsletter quarterly.
- Responds to information requests under the Public Records Act and Information Practices Act; prepares talking points for executive and division staff; and compiles the daily report.

- Reviews the content of the Department's website to ensure consistency with departmental policy, and oversees the Department's death row database to provide monthly reports.
- Develops, manages, implements, and evaluates the Department's public information, motion picture, radio and television, and community relations policies.
- Works closely with media representatives to visit the Department's institutions and facilities including conservations camps, community prisoner-mother, and community correctional facilities.
- Encourages print and other broadcast media to tour and write stories about CDCR programs, activities, staff, and inmates.

#### **11010.16 Office of Research**

The Office of Research (OR) objectively evaluates the Department's correctional programs with regard to their implementation and effectiveness in reducing the recidivism and return to custody rates and protecting public safety. The branch does this by conducting internal research projects evaluating the outcomes of Department programs and by providing technical advice and oversight of research on Department programs conducted by external researchers under contract with CDCR. The OR also reviews and coordinates the approval of all research projects proposed by outside researchers who desire to study socio-behavioral characteristics of CDCR inmates and parolees as required by the PC. The chief of the branch serves as the chair for the Department Research Advisory Committee whose approval must be granted before socio-behavioral research can begin within the Department.

##### **11010.16.1 Offender Information Services Branch**

The Offender Information Services Branch (OISB) has been designated as the primary provider of summary statistical information about CDCR inmates and parolees. The OISB responds to special requests; compiles statistical reports; prepares legislative estimates, and population projections; coordinates the timely, accurate, and consistent coding and entry of data; and performs data integrity control functions for the Offender Based Information System, classification, incident, and all other major current and proposed computerized inmate and parolee databases.

##### **Estimates and Statistical Analysis Section**

The Estimates and Statistical Analysis Section is the primary source for summary statistical information on inmates and parolees under the jurisdiction of CDCR. This Section ensures that CDCR has accurate data and analyses on which to base program planning and direction; compiles and analyzes information for special projects, court cases, special task forces or programs; prepares periodical statistical reports about inmates and parolees used in budget planning, legislative responses, and audits; and prepares all CDCR projections of future facility and parole populations, including inmate classification levels. This Section also prepares estimates of the impact of proposed legislation, ballot initiatives, and administrative policy changes. In addition, this Section reviews and approves CDCR information to be disseminated to the public by CDCR branches and divisions.

##### **Information Quality Support Section**

The information Quality Support Section (IQSS) in OISB is responsible for providing Quality Assurance (QA) oversight for major current, proposed, and future statewide offender information systems. The QA procedures to be applied to these CDCR information systems include continuous monitoring of the validity and currency of data, and developing appropriate procedures and solutions to correct inaccuracies or out of date data.

The IQSS does not directly implement most procedures and solutions. Rather, once a problem has been identified, IQSS provides the owners of the data with the tools and procedures aimed at eliminating the problem. After the owners of the data have implemented these tools and procedures, the IQSS provides ongoing review of the data to ensure its accuracy, currency, and completeness.

This Section also conducts routine and special analyses to maintain accuracy and integrity of data; handles requests for changes and improvements in the data systems; and provides necessary training for facility OBIS operations.

#### **11010.17 Office of Legislative Affairs**

The Office of Legislative Affairs provides executive policy advice and assistance on all matters with legislative implications or impact on the CDCR. The Assistant Secretary performs the following:

- Coordinates the development of legislation, including drafting and preparation for YACA and the Governor's Office, and introduction in the Legislature.
- Identifies bills of CDCR interest, provides analysis, and recommends the CDCR's position to YACA and the Governor's Office.
- Presents CDCR's positions to legislators and provides direct advocacy through appearances before legislative committees.
- Coordinates the compilation and completion of Enrolled Bill Reports, in a timely manner, recommending to the Governor whether to sign or to veto enrolled legislation.
- Coordinates and reviews responses to inquiries from State and federal legislators.
- With assistance from the Ombudsman's Office, coordinates the Senate Confirmation process for Wardens and the Secretary.

#### **11010.18 Office of Information Technology**

The Assistant Secretary of the Office of Information Technology has supervisory responsibility for the following:

##### **Enterprise Information Systems**

Under the direction of the Agency Information Officer, the mission of the EIS is to facilitate the accomplishment of departmental goals through automation by the design, development, ongoing operation, security, and maintenance of information technology (IT) systems.

EIS develops and implements all new and existing CDCR IT systems. EIS responsibilities include:

- Installing computer hardware/software; providing customer access to CDCR data.
- Assisting in the justification of new IT.
- Acting as consultants on the most complex technology issues.
- Ensuring that CDCR complies with all oversight and procurement rules and regulations.
- Partnering with program areas to implement IT as a business solution where appropriate.
- Working with Information Security Officer to ensure the safety and integrity of all data and IT.
- Setting departmental standards for hardware and software.
- Providing support and direction to all departmental PC coordinators.

##### **11010.18.1 Data Center**

The Data Center provides technical services required to operate and maintain the CDCR computing resources. The objective of the Data Center is to maximize the availability, reliability, manageability, interoperability, and performance of the CDCR information systems. The Data Center is responsible for purchase and installation of computer hardware, maintaining system software, creating and maintaining CDCR databases, managing system security, operating headquarters mainframe and mini-computers, and implementing and managing local-area and wide-area networks. The Data Center also provides 24 hour, 7 day-a-week customer support including help desk services. The Data Center provides desktop support for headquarters' users and assists and coordinates activities with field staff.

Within the Data Center, the System Administration Unit (SAU) performs systems engineering and analysis to ensure that technologies employed in building CDCR strategic systems operate effectively as an integrated whole. To provide a common data architecture for CDCR systems, the SAU manages the creating and maintenance of a comprehensive, department wide data model upon which CDCR strategic systems can be built. The SAU ensures that CDCR information systems are built in a manner that allows integration of new technologies to support the mission and objectives of the CDCR. The SAU also ensures conformance to industry standards to allow CDCR systems to share essential information internally within the CDCR and with external entities in a secure and error free manner. The SAU also supports information technology architecture planning, review, and decision making processes.

The Data Center provides the liaison function for the Department with the Teale Data Center and Hawkins Data Center.

##### **11010.18.2 Applications Development and Maintenance Section**

The Applications Development and Maintenance Section (ADAMS) is responsible for the development and support of quality, automated applications that meet the business needs of the CDCR. ADAMS serves CDCR staff and other authorized entities by promoting the effective management of, and access to, CDCR-related information. ADAMS is primarily responsible for the analysis, design, development, implementation, and maintenance of CDCR information systems as well as providing customer training and ongoing application support.

Additionally, ADAMS provides assistance in the assessment of automation needs by working directly with the program areas in the development of new system requirements, Information Systems Budget Concept Statements, Feasibility Study Reports (FSRs), Special Project Reports (SPRs), Post-Implementation Evaluation Reports (PIERS), Information Technology Procurement Plans (ITPPs), procurement strategies (requests for proposals or alternative procurements), procurement evaluations, contract negotiations, contract initiation, and contract management.

#### **11010.18.3 Parole Automation Section**

The Parole Automation System (PAS) is responsible for the development and support of quality automated applications that meet the business needs of the DAPO. PAS serves the DAPO, other CDR staff and other authorized entities by promoting the effective management of, and access to, information on the parolee population throughout the State. PAS is primarily responsible for the analysis, design, development, implementation, and maintenance of all parolee related information systems, as well as, providing customer training and ongoing application support.

Additionally, PAS provides assistance in the assessment of automation needs by working directly with the DAPO program area in the development of new system requirements, Information Systems Budget Concept Statements, FSRs, SPRs, PIERS, ITPPs, requests for proposals or alternative procurements, procurement evaluations, contract negotiations, contract initiation, and contract management.

#### **11010.18.4 Project Management Office**

The Project Management Office (PMO) provides guidance and assistance to CDCR staff starting new IT projects designed to solve problems and improve operations. This includes providing guidance in the development of project concept proposals, feasibility studies, and other documentation required to obtain approval of any IT project. PMO maintains CDCR standards regarding the quality and format of FSR. These standards are consistent with statewide standards for FSRs. PMO reviews and approves FSRs to ensure they satisfy statewide and CDCR standards and requirements. The PMO is the CDCR liaison to the control agencies regarding project initiation matters. The PMO is responsible for tracking all approved projects and ensuring that all projects comply with State reporting requirements. Functional support, assistance, and direction are provided to the Information System Analysts on all system related issues by the Applications Systems Section. PMO is also responsible for coordinating and supporting the ongoing development of the CDCR Strategic Information Systems Plan. PMO provides functional support to the ongoing operations of the Information Technology Executive Committee (ITEC). PMO responsibilities include:

- Coordinating ITEC meeting agendas.
- Coordinating the review of proposed information systems and furnishing recommendations for ITEC review.
- Preparing periodic updates for the ITEC on the CDCR automation efforts.
- Developing, coordinating, and participating in presentations to the committee that address current IT issues.
- Coordinating the review of IT concepts to ensure compliance and consonance with CDCR policies and the AIMS.
- Recording the actions and decisions of the ITEC for distribution to appropriate CDCR staff.

PMO is responsible for administering and coordinating the CDCR Workgroup Computer Policy. The Workgroup Computing Coordinator (WCC) resides in PMO. The WCC responsibilities include:

- Ensuring that workgroup computing hardware and software requests comply with the CDCR and control agency policy requirements.
- Preparing the appropriate certification documents for workgroup computing procurements.
- Providing assistance in the completion of workgroup computing requests.
- Maintaining the CDCR workgroup computing policy and modem policy as well as related equipment request forms for distribution to CDCR staff.
- Overseeing the personal computer PIER process.

- Maintaining the CDCR personal computer equipment inventory.
- Maintaining a record of all personal computer procurements, including those justified through the use of a FSR, the CDCR internal summary fact sheet, or the approved workgroup computing policy.

ITEC-Support Unit (SU) responsibilities include:

- Coordinating ITEC Committee meetings and disseminate information from these meetings.
- Coordinating review of proposed information systems.
- Preparing annual updates for the cabinet on all CDCR automation efforts for the current year and strategic planning for the coming year.
- Developing, coordinating, and participating in presentations for the ITEC committee addressing current technical innovations.
- Coordinating the review of Information Systems concepts to ensure compliance and consonance with the budget cycle.

In its role as WCC, the ITEC-SU ensures that requests for microcomputer commodities comply with the CDCR and control agency policy requirements; prepares the appropriate procurement certification documents; provides assistance in the completion of workgroup computing equipment requests; maintains the CDCR workgroup computing policy, modem policy, and related equipment request forms for distribution to CDCR staff; and tracks the CDCR microcomputer commodity inventory.

#### **11010.18.5 IT Planning Section**

The IT Planning Section plans for the efficient and effective use of IT resources as required by the SAM. Specifically, SAM 4819.31 requires each State agency to:

- Establish and maintain an operational recovery plan so that it will be able to protect its information assets in the event of a disaster or serious disruption to its operations, and annually certify to the DOF that it's plan complies with SAM 4843-4845.
- Establish an ongoing information management strategic planning process to support the accomplishment of it's overall business strategy (i.e., it's strategy to carry out it's programmatic mission) and submit it's strategic plan to Department of Information Technology for approval. See SAM 4900.2.
- Adopt standards for an agency information technology infrastructure and ensure that new acquisitions or developments involving information technology are consistent with those standards. See SAM 4900.1.

These externally required planning functions are consolidated in the EIS IT Planning Section. Consolidating these IT planning functions removes barriers that would limit consistency and coherence in CDCR IT planning and enables the CDCR to present a clear, consistent IT strategy to external oversight agencies.

#### **11010.19 Office of Legal Affairs**

The primary functions of the OLA are managing all litigation involving the Department; providing legal advice to the Secretary and the staff of the Department; and representing the Department in administrative proceedings. The legal work of the OLA is supervised by a Chief Deputy General Counsel and is divided into nine separate teams:

- The Business and Infrastructure Legal Team (BILT) serves as counsel to the CDCR on legal matters related primarily to it's business operations and administrative functions. BILT specializes in representing the CDCR in transactions and disputes involving it's vendor goods and services contracts, environmental issues and construction related matters.
- The Employment Advocacy and Prosecution Team/ Division of Juvenile Justice actively protects public safety by advising the Office of Internal Affairs, the Employee Relations Officers, and CDCR Hiring Authorities regarding the investigation and prosecution of those CDCR employees who have committed crimes or misconduct as specified in Government Code Section 19572.
- The Health Care Team focuses it's efforts in matters related to inmate health care: from *Keyhea* hearings to coordination with the Attorney General's (AG) office on class actions related to health care in the adult and juvenile institutions. In addition, the Health Care Team coordinates with the AG's office on inmate habeas petitions involving correctional health care.
- The Institutions Legal Team provides advice and functions as house counsel to administration and facilities staff on a broad spectrum of issues that pertain to inmates and wards. Examples of issues that are handled by this unit include use of force, mail and visiting, religion, discipline, and privacy. Also, the Institutions Legal Team manages major non-health care class action lawsuits involving the Department.
- The Labor and Human Resources Legal Team is the house counsel for all general personnel matters, with the sole exception of employee discipline; manages all employment litigation against the Department and its

employees, serves as the Department's liaison with both the Office of the Attorney General and outside retained defense counsel and serves as the Department's representative at mediations and mandatory settlement conferences; provides direct legal support to the Office of Employee Wellness and field Return to Work Coordinators dealing with employee medical issues and requests for reasonable accommodation; provides direct legal support to the Office of Labor Relations, including grievance responses, management of labor relations-based litigation and assisting during contract and other union negotiations; assists the Office of Risk Management in evaluating and managing significant Workers' Compensation cases; provides direct support to the Office of Civil Rights in negotiations with the Department of Fair Employment and Housing and the federal Equal Employment Opportunity Commission, assists in the preparation of settlement and other documents and reviews completed investigations to provide recommendations for clearance and remedial actions; represents the Department before the State Personnel Board in response to complaints of discrimination, harassment or failure to provide a reasonable accommodation, before CalOSHA concerning citations for work-place safety issues and before other administrative bodies as needed; and, finally works with other external control agencies to resolve issues concerning the Department's personnel practices.

- The Legal Access Team (LAT) is the first point of contact for those from the Department, its institutions and facilities, and other agencies seeking legal assistance. LATs goal is to facilitate timely and comprehensive legal services. The team is responsible for reviewing incoming requests for legal assistance, identifying the issues, and assigning the requests to the appropriate legal team for responses. Several modes of inquiry are available to our clients for easy access to legal services.

In addition, LAT assists the Department's custodians of records with processing and responding to third party subpoenas for records of inmates, wards, and parolees. The team strives to ensure that federal and state privacy rights of inmates, wards, and parolees are protected while complying with the rules of discovery. LAT is also responsible for assessing requests for records pursuant to federal and state law such as the Public Records Act.

The Team further facilitates training programs and publications to assist individuals working in the field who encounter legal issues on a daily basis.

- In April of 2000, the Office of Legal Affairs assembled the Liability Assessment and Litigation Management Team, LALMT (formally known as the Liability Response Unit), under the leadership of Catherine Bernstein, to begin meeting the litigation management demands of the immense volume of inmate civil actions pending against the Department and its employees.

LALMT evaluates each of the estimated 600 new civil lawsuits that are served on the Department and its employees each year, assessing liability, acting as liaison to defense counsel, and participating in the strategic planning of case management.

LALMT has conducted Litigation Coordinator workshops and a pilot litigation orientation program for CDCR employees that are being sued. Further training is planned. Through the interaction provided by training sessions and ongoing daily communication with the field, LALMT has become an identifiable resource for the institutions and regional offices that are responding to litigation demands and attempting to minimize our liability exposure.

- The Parole Team provides advice to Division of Adult Parole Operation (DAPO) and Board of Parole Hearing (BPH) management and program staff concerning parole policy and compliance with applicable parole law and the Americans with Disabilities Act (ADA). It provides officer-of-the-day telephone support to BPH Commissioners and Deputy Commissioners conducting 2,400 life term inmate hearings and 92,000 parole violation proceedings per year. It also responds to sentencing and parole-related questions from parole offices, judges, district attorneys, defense attorneys, probation offices and allied law enforcement, and to questions from victims and witnesses concerning pending hearings.

The Parole Team, in coordination with the Legal Access Team and BPH investigators, provide extensive reviews of BPH hearing

decisions for legal sufficiency and recommend modifications as necessary. The team oversees the planning, organizing and conducting of training for BPH commissioners and deputy commissioners, and parole and institutional staff regarding hearing policy and procedures, and provides legal support to staff responsible for drafting proposed regulations or regulation amendments.

The Parole Team analyzes and makes recommendations on current litigation, habeas petitions and administrative proceedings that may affect the BPH or DAPO; coordinating with the Office of the Attorney General.

The Parole Team assists in the drafting, amending or review of contracts for the services of attorneys, physicians, mental health clinicians, and interpreters related to parole proceedings. It negotiates, reviews, administers, audits and monitors program performance of the legal service contract for the provision of legal representation to 84,000 parolees facing revocation proceedings.

The Parole Team participates in and supports compliance monitoring activities relating to *Armstrong v. Schwarzenegger* and *Valdivia v. Schwarzenegger*. Attorneys monitor, supervise, and assure compliance with orders stemming from these class actions. The Parole Team also works closely with the Litigation Project Team that formulates litigation and compliance strategies in *Valdivia*, *Armstrong*, and *Rutherford*.

- The Litigation Project Team.

The legal support staff renders administrative and logistical support for these nine teams.

#### **11010.20 Office of Audits and Compliance**

The Office of Audits and Compliance are authorized to perform audits, internal control reviews, and compliance assessments on behalf of and at the request of executive management.

##### **11010.20.1 Program and Fiscal Audits Branch**

The Program & Fiscal Audits Branch (P&FAB) exists to independently audit program contracts for compliance to terms and conditions of the contract and review, evaluate, and better assure that institutions, parole regions, and headquarters are operated in accordance with CDCR standards, State and federal law, and court mandates.

##### **Program Compliance Unit**

The Program Compliance Unit is responsible for the evaluation of selected institution and parole operations to ensure that the evaluated institutions and parole operations are in accordance with CDCR standards, State and federal law, and in compliance with court mandates.

##### **Fiscal and Business Management Audits Unit**

The Fiscal & Business Management Audits Unit conducts contract audits of profit and non-profit organizations that contract with the CDCR. These contracts provide programs and services to the OCR, the OSAP, the DAPO, and the DCHCS. The FBMAU also evaluates cost data submitted by the individual local jurisdictions for the establishment of the daily jail rate in respect to reimbursement in accordance with the local assistance program, acts as the fiscal consultant for management within the CDCR, and conducts special audits as requested by the Secretary.

##### **Correctional Business Internal Audits Unit**

The Correctional Business Internal Audits Unit is responsible for evaluating the institutional business services operations which includes plant operations, materials management, personnel transactions, occupational health and safety, environmental health and safety, food services, inmate trust accounting, procurement, and fire protection.

##### **11010.20.2 Information Security Office**

The Information Security Office is responsible for the overall security of CDCR information systems. In accordance with GC 1171 and SAM 4840.2, the CDCR has designated an Information Security Officer. The function is organizationally placed in this Division.

##### **11010.21 Corrections Standards Authority**

*Updated January 6, 2010*

The Executive Director of the Corrections Standard Authority (CSA) has supervisory responsibility for the following:

##### **11010.21.1 Facilities, Standards, and Operations Division**

The Facilities, Standards, and Operations Division (FSO) is responsible for developing and updating regulations and minimum standards for local jails and juvenile facilities. In addition, the FSO conducts inspections and reviews of county and city adult jails and juvenile facilities to check compliance with established standards.

##### **11010.21.2 Corrections Planning and Programs Division**



The Corrections Planning and Programs Division (CPPD) develops, administers, and evaluates programs to improve State and local correctional systems. Working closely with federal, state, and local governments the CPPD partners with private and non-profit service providers to develop collaborative approaches to crime and delinquency prevention. Many of these approaches are supported by the technical assistance, training, and grant funding administered by CPPD.

#### **11010.21.3 Standards and Training for Corrections**

The Standards and Training for Corrections is responsible for developing and updating standards for the selection and training of adult and juvenile correctional staff. This is accomplished through job analysis, core training requirements, and Annual Course certifications.

#### **11010.22 Revisions**

The Director, DSS, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

#### **11010.23 References**

PC §§ 1170, 2085.5, 2962, 3003, 3034, 3058.8, 5001, 5052, 5053, 5054, 5055, and 11155.

DOM §§ 11040, 22090, and 62110.

SEERA.

FLSA.

Public Records Act.

Information Practices Act.

Ralph C. Dills Act.

Prison Inmate Labor Initiative of 1990.

CCR (15) (3).

California Environmental Quality Act.

### **ARTICLE 2 — GENERAL INFORMATION**

*Revised August 24, 1995*

#### **11020.1 Policy**

The Director of the Department has established general guidelines for work hours and for the availability of legal resources to staff.

#### **11020.2 Purpose**

This section provides information about work hours and the availability of legal material and notary service in Headquarters for the Department.

#### **11020.3 Office Hours**

Offices shall be kept open for business from 8:00 a.m. to 5:00 p.m., Monday through Friday.

##### **Work Hours**

Work hours, unless otherwise specifically identified, are from 7:45 a.m. to 4:30 p.m., and the lunch period is from 11:45 a.m. to 12:30 p.m. Managers shall work any additional or different hours that are necessary for the performance of their duties.

##### **Lunch Periods**

In those offices where reception and/or telephone service are necessary during the lunch period and between 4:30 and 5:00 p.m., the work hours for employees shall be adjusted. Each section shall develop minimum coverage procedures as needed, and all employees whose working hours are thus adjusted shall be furnished with a copy of the appropriate procedures.

##### **Rest Periods**

Managerial, supervisory, and confidential employees may be granted rest periods in the mid-morning and in the mid-afternoon hours. The total time shall not exceed 15 minutes for any single rest period or 25 minutes for any day. A rest period shall not be granted during the first or last hour of the employee's work hours. The contracts for the various bargaining units govern rest periods for those employees who are covered by these contracts.

#### **11020.4 Legal Library**

The Legal Affairs Division, located in Central Office, maintains a law library which includes annotated copies of all California and U.S. Codes and other legal publications, including reports of California and some federal cases. The library is accessible to non-Legal Affairs staff who are working on departmental matters. Staff should remember to check the pocket supplement for amendments to the codes that were made after the main volume was published.

Access to the law library may be obtained by checking with the receptionist for the Legal Affairs Division. Law library materials may not be taken from the Legal Affairs office.

#### **11020.5 Code of Regulations**

Copies of the California Code of Regulations, Title 15, Division 3 [cited throughout as CCR (15) (3)] are maintained in the Legal Affairs Division, Regulation Management Unit, 1515 "S" St., Room 125S, Sacramento, California, 95814. The divisions of Title 15 are:

<b>Title No.</b>	<b>Division No.</b>	<b>Title Name</b>
15		Crime Prevention and Corrections.
	Division 1	BOC
	Division 2	BPT
	Division 3	CDC
	Division 4	CYA
	Division 4.5	Youthful Offender Parole Board (YOPB)
	Division 5	NAEA
	Division 7	YACA

#### **11020.6 Notary Service**

The Notary Public for Headquarters is the Contract Analyst, within the Contract and Business Services Unit, Room 127 S, 1515 "S" Street, Sacramento, California, 95816.

#### **11020.7 Revisions**

The Deputy Director, Administrative Services, or designee, shall ensure that the content of this section is accurate and current.

#### **11020.8 References**

GC § 11020.

CCR (2) (1) § 599.780.

### **ARTICLE 3 — STANDING COMMITTEES**

*Revised August 13, 1996*

#### **11030.1 Policy**

Standing committees are established by the Director as necessary, to facilitate the accomplishment of departmental goals and objectives within the Department.

#### **11030.2 Purpose**

This section describes the standing committees that have been authorized by the Director.

#### **11030.3 Technology Transfer Committee (TTC)**

TTC shall coordinate and guide CDC in the adaptation of existing and new technology to solve problems and improve institutional security, operation, and management.

##### **11030.3.1 Responsibility**

The TTC shall:

- Serve as a forum for the presentation of potential technological applications.
- Make recommendations to the Director on potential technological applications.
- Assure widespread dissemination throughout CDC of information regarding new technological developments.
- Recommend standards and specifications for use in purchasing equipment items and systems, incorporating technology to facilitate institutional custody, security, and control.

##### **11030.3.2 Equipment Purchases**

Review of equipment requests:

- All requests for the budgeting and/or acquisition of new equipment items relating to perimeter security systems; contraband detection systems; personal alarms; and equipment items and systems incorporating technology to facilitate institutional custody, security and control shall be referred to the CDC's TTC for review. Final approval will be required by TTC and the Director.
- Each Warden is responsible to ensure that requests for approval to purchase new technology are submitted to the Chairman of TTC. This will result in a process that ensures standardization at CDC institutions. No purchases or commitments to purchase shall take place until clearance is received by the Committee Chair of TTC.

**11030.3.3 Membership**

The TTC is comprised of the following staff:

**Departmental Voting Members**

- Committee Chair: the Warden, Design and Activation Branch, P&CD. The Chief Deputy Warden, Design and Activation Branch, P&CD, will serve as the Committee Chair in the Chair's absence.
- Three Regional Administrators, Institutions Division (ID).
- Five Field Wardens, CDC.
- Deputy Director, P&CSD.

**Departmental Nonvoting Members**

- Executive Officer, TTC: staff person to the committee.
- Executive Secretary, TTC: staff person to the committee.
- Chief, Office of Telecommunications.
- Law Enforcement Liaison.

All Wardens, RPAs, and others are encouraged to attend and provide input at all TTC meetings and on all issues raised.

**Nondepartmental Nonvoting Members**

- Non-departmental nonvoting members include representatives from:
- CYA.
- Deputy Director, Jail Planning and Construction, Board of Corrections.
- Department of Justice (DOJ).
- DGS.
- Federal Bureau of Prisons (FBP).
- California Highway Patrol (CHP).
- Sandia National Laboratories.

**Appointments**

Appointments to the TTC shall be made through the Committee Chair with final approval by the Director of CDC.

**11030.3.4 Meetings**

The TTC will meet quarterly or on an as needed basis. Attendance at scheduled meetings is mandatory; however, an alternate for each member is allowed at the Captain level or above, and Regional Administrators may rotate their attendance at the committee meetings.

**11030.4 Departmental Training Advisory Committee (DTAC)**

The DTAC provides essential coordination and necessary support to meet the challenge of providing effective training to existing programs and development of new programs within CDC.

**11030.4.1 Purpose**

In conjunction with the Chief of TSB, DTAC provides training policy recommendations to the Director, Chief Deputy Directors, and Cabinet. DTAC also assists the TSB in assessing and prioritizing training needs, reviewing all training with a departmental impact, evaluating current training programs, and providing a forum for the review of training technology and consideration for departmental application. Any training curriculum or standards presented to the Commission on Correctional Peace Officers Standards and Training (C.P.O.S.T.) must first be reviewed and approved by DTAC.

**11030.4.2 Membership**

DTAC membership is comprised of the following individuals:

- All Deputy Directors, or designees.
- Assistant Director, EEO.
- General Manager, PIA, or designee.
- Chief-TSB.
- Six Wardens to be selected by the Deputy Director, ID, to serve two-year terms. Terms shall be staggered so as to maintain continuity.
- One RPA to be selected by the Deputy Director, P&CSD, to serve a two-year term.

The Deputy Director, ASD, shall also serve as a voting member on the C.P.O.S.T. One field DTAC member shall be selected to serve as an alternate C.P.O.S.T. representative.

The chairperson of the DTAC committee shall be selected by the committee's majority vote for a two-year term.

**11030.4.3 Meetings**

DTAC shall meet on an as-needed basis, but not less than quarterly.

**11030.5 Victims Advisory Committee (VAC)**

VAC provides information and expertise to the Director and CDC concerning the following issues:

- Victim notification.
- Victim restitution.
- Victim allocation.

**11030.5.1 Membership**

The VAC shall consist of 15 to 20 members appointed by the Director for an indeterminate period. They shall be a cross-section of staff from headquarters, facilities, and paroles.

The chairperson shall be elected by the membership.

**11030.5.2 Meetings**

Meetings shall be held annually.

**11030.6 Vocational Education Act Advisory Council**

This is an advisory council on vocational education and the council's general purpose is to advise CDC on the programmatic use of the Federal Vocational Education Act (VEA) funds and to advise on the development of strategies for securing employment for vocationally trained inmates.

**11030.6.1 Responsibility**

The council shall meet with appropriate departmental staff on a continuing and formal basis to advise, analyze, and recommend policies, programs, and distribution of all VEA funds to CDC facilities.

- They shall emphasize vocational education programs that involve local business and labor organizations.

**11030.6.2 Membership**

The Director shall appoint 16 members and they shall serve at the Director's pleasure.

The membership shall be governed by the committee's by laws as well as GC 1770.

- The chairperson and vice-chairperson shall be elected by the membership by a nomination committee.

**11030.6.3 Meetings**

The council shall meet a minimum of four times each year and all meetings shall be open to the public.

A special meeting can be called by the chairperson or upon written request of nine or more of the council members.

Fifty percent of the membership plus one member shall constitute a quorum.

**11030.7 Advisory Committee on Correctional Education**

The Advisory Committee on Correctional Education shall advise the Director on the following areas of departmental education:

- Educational program policy and planning.
- Program operations.
- Curriculum development.
- Staff training.
- Program evaluation.

The committee shall have statutory responsibility under the Education Code (Ed.C) 32500.

**11030.7.1 Membership**

The membership shall be appointed by the Director, and include a representative from the Chancellors of the California State University and Colleges, the Chancellor of the California Community Colleges, and the Superintendent of Public Instruction.

They shall serve until replaced.

- There shall be one representative from the California Postsecondary Education Commission and two instructors from a prison based education program.

**11030.7.2 Subcommittees**

There shall be subcommittees made up from the Advisory Committee and they shall be appointed to address specific issues in the following areas or as needed:

- Program policy and program planning.
- Program operations.
- Curriculum philosophy and strategy.

- Program evaluation.

### **11030.7.3 Meetings**

The committee shall meet on a bi-monthly basis or at the call of the chairperson.

### **11030.8 Joint Inmate Apprenticeship Advisory Committee (JIAAC)**

JIAAC was established as a result of the enactment of the Inmate Apprenticeship Training Law of 1984 (Senate Bill 450, Presley).

The JIAAC shall:

- Assist in the implementation of CDC's apprenticeship program in building and nonbuilding trades.
- Recommend policy pertaining to the program.
- Establish and review CDC's standards on the apprenticeship program.
- Review and recommend changes on establishing and/or expanding the program.
- Review existing programs to ensure compliance with local C.P.O.S.T. and Division of Apprenticeship Standards (DAS) requirements and regulations.

### **11030.8.1 Membership**

The membership shall be appointed by the Director by a list submitted by the JIAAC Coordinator and/or Wardens. The size of the committee shall be determined by the Director. Each member shall serve for a term of three years.

- Composition of the JIAAC:
- Representatives from organized labor (7).
- Management representatives (2).
- The DAS (1).
- California State Building and Construction Trades (2).
- The CDC, including the Director (4).

### **11030.8.2 Meetings**

Meetings and site visitations shall convene four times per year alternatively as designated.

### **11030.9 Chaplains Coordinating Committee**

The committee shall advise CDC on the formation of religious policy, interpretation of religious procedures, the conduct of the religious programs in the institutions and on IST for the chaplains.

### **11030.9.1 Responsibility**

The committee has the following responsibilities:

- Coordinating and conducting program reviews of the institutional religious programs every three years for each institution.
- Be available to staff chaplains, volunteer community clergy, and religious representatives for pastoral care.
- Coordinating the annual Chaplains' training conference.

### **11030.9.2 Membership**

The membership shall be appointed by the Director by a list submitted by the Wardens. The size of the committee shall be determined by the Director and each member shall serve for a term of three years.

The membership shall include at least one staff chaplain from each of the religious faith groups employed by CDC and one volunteer representative from the community from each faith group that provides services to a facility.

The chairperson shall be appointed by the Director.

### **11030.9.3 Meetings**

The committee shall meet on a quarterly basis at a designated facility.

### **11030.10 State Advisory Committee on Institutional Religion**

The State Advisory Committee on Institutional Religion serves to advise the Directors of CYA, CDC, and DMH on the religious programs of the correctional schools, prisons, and mental hospitals.

### **11030.10.1 Responsibility**

The committee has the responsibility of advising the Directors on such policy matters as chaplaincy, personnel, religious records, operating supplies, buildings, places for worship, selection, recruitment, and training of chaplains, and the standards for chaplaincy work in the several types of facilities.

### **11030.10.2 Contact/Attendance by Departmental Staff**

Official contacts with this committee are made through the Deputy Director, ID, who shall serve as the departmental liaison to the committee.

The Deputy Director shall also designate a member of the Chaplains Coordinating Committee or a staff chaplain to attend the meetings of this committee.

### **11030.11 Disabled Advisory Committee (DAC)**

This advisory committee to the Director ensures that the Department is in compliance with State and Federal mandates prohibiting discrimination against qualified disabled persons. It provides a basis for implementing EEO for qualified disabled persons as members of the protected group by ensuring that employment of qualified disabled persons is based on the qualifications of the job with reasonable accommodations to the individual's impairment.

### **11030.11.1 Membership**

The membership shall be comprised of one member from each of the following areas:

- Each institution.
- Each parole region.
- PIA (Headquarters).
- One representative from Headquarters.

There shall be a minimum of 24 members and the chairperson shall be elected by the membership.

The members shall serve until replaced.

### **11030.11.2 Meetings**

- Committee meetings are called by the chairperson on an as needed basis. The committee shall meet with the Director, no less than once a year.

Meeting minutes shall be distributed to all Wardens, RPAs, council members and Executive Headquarters staff.

### **11030.12 CMIS Steering Committee**

The CMIS Steering Committee has been established to provide the decision-making link between current CDC policy, proposed new policy, and process changes to ensure the successful implementation of the project.

### **11030.12.1 Purpose**

To develop a single automated system which satisfies the needs of all offender information system users and serves as the hardware/software platform for all future systems development.

### **11030.12.2 Responsibility**

The CMIS Steering Committee shall:

- Provide project approvals for project documents.
- Ensure that there is adequate user involvement.

### **11030.12.3 Membership**

The CMIS Project Steering Committee is comprised of the following staff:

- Deputy Director, ID, (Chairperson).
- Assistant Director, OOC, (Co-Chairperson).
- Deputy Director, P&CSD.
- Deputy Director, ASD.
- Regional Administrator-North, ID.
- Regional Administrator-Central, ID.
- Regional Administrator-South, ID.
- Assistant Deputy Director, ECISD.
- Warden, RJD.
- Warden, CCC.
- Warden, PBSP.
- Warden, CIW.
- RPA, Parole Region II.

### **11030.12.4 Meetings**

The CMIS Project Steering Committee shall meet on an as-needed basis.

### **11030.13 Community Service Advisory Committee**

The Director's Community Service Advisory Committee (CSAC) will provide an ongoing advisory function to the Director concerning the development and provision of services to communities surrounding institution and parole facilities in particular and to communities in general.

### **11030.13.1 Responsibility**

The CSAC may:

- Provide assistance to CDC in efforts to increase the range of community service projects carried out by inmates/parolees.

- Identify and promote the dissemination of existing model projects, and develop new model projects.
- Develop and recommend new policies and regulations in the area of community services.

#### **11030.13.2 Membership**

The CSAC will be chaired by a Warden from CDC. The Assistant Director, OOC, and Assistant Director, OCR, will serve as co-vice chairpersons.

The committee will consist of 15 individuals—representing institutions, camps, and parole facilities—who have demonstrated a commitment to community services.

#### **11030.13.3 Meetings**

The CSAC will meet quarterly to review and adopt recommendations developed by working subcommittees. Subcommittees will meet on an as-needed basis, and to the extent possible, will be formed regionally.

#### **11030.14 Information Technology Executive Committee (ITEC)**

*Revised June 28, 2005*

The Department has a large number of major information technology (IT) projects in various stages of development and implementation. It is imperative that CDC achieve its automation and information management goals and objectives through the successful implementation of these projects. Formal executive level support, coordination, and oversight is essential to ensure that departmental IT goals and objectives are met. ITEC will ensure that this formal involvement is in effect by providing executive level oversight and leadership for CDC's IT environment.

The committee will commence meeting as necessary starting in the second quarter of 1996.

#### **11030.14.1 Responsibility**

The ITEC will ensure that the Department's IT goals and objectives are attained in accordance with CDC's Strategic Information Systems Plan (SISP) as well as State and departmental IT policies and procedures. The ITEC will also ensure that all phases of CMIS projects are appropriately integrated into an enterprise-wide management information system.

The roles and responsibilities of the ITEC include but are not limited to the following activities. The ITEC will:

- Provide executive direction and oversight for all CDC IT activities.
- Sponsor, direct, review, and approve CDC's SISP.
- Ensure IT projects are consistent with departmental strategic plans and IT architecture.
- Review and approve all major IT:
- Policies, standards, and guiding principles;
  - Strategic architectures and tactical plans;
  - Strategy studies, FSRs, system development plans, and procurements.
- Monitor the status of departmental IT projects, including the review and approval of Special Project Reports and Post Implementation Evaluation Reports.
- Review emerging technologies for their application to CDC business operations.
- Establish and maintain overall departmental IT goals and priorities.
- Serve as a point of resolution for major IT issues.
- Facilitate inter-project coordination.
- Ensure that systems development is tied to stated departmental goals.
- Enforce compliance with CDC policies and procedure and determine appropriate action for non-compliance.

In order for this committee to achieve its mission, an ITEC support function will be established within ISD. This support function will provide overall technical research, analysis and facilitation services for the ITEC.

#### **11030.14.2 Membership**

The members named below are hereby appointed to this committee:

- Chief Deputy Director, Support Services, (Co-Chairperson).

- Chief Deputy Director, Field Operations, (Co-Chairperson).
- Deputy Director, ASD.
- Deputy Director, ECISD.
- Deputy Director, HCSD.
- Deputy Director, ID.
- Deputy Director, P&CSD.
- Deputy Director, P&CD.

#### **11030.14.3 Meetings**

The committee shall meet on a quarterly or on an as needed basis.

#### **11030.15 Employee Advisory Committees**

Deputy Directors, Assistant Directors, Wardens, and RPAs may appoint standing committees of staff to advise on management and employee matters outside the scope of collective bargaining. Committee members shall serve at the discretion of the appointing executive.

#### **11030.16 Revisions**

The Assistant Director, OOC, or designee is responsible for ensuring that the contents of this section are kept current and accurate.

#### **11030.17 References**

GC § 1770.

EC § 32500.

Inmate Apprenticeship Training Law of 1984.

### **ARTICLE 4 — PRISON INDUSTRY AUTHORITY**

*Revised October 6, 1993*

#### **11040.1 Policy**

The PIA establishes and operates various industrial, manufacturing, service, and agricultural enterprises in the facilities under jurisdiction of the Department.

#### **11040.2 Purpose**

This section delineates the membership of the PIB, outlines the objectives of PIA, and describes how PIA interfaces with CDC, specifically within the facilities.

#### **11040.3 Objectives**

Objectives of PIA include:

- Reduce inmate idleness.
- Create and maintain working conditions for inmates much like those prevalent in private enterprise.
- Develop work habits and occupational skills in inmates for use upon release.
- Operate a work program for inmates which shall ultimately be self-supporting by generating sufficient funds from the sale of products and services to offset the program's expenses.
- Provide financial support to employed inmates.

#### **11040.4 PIB**

Policy for PIA is directed by a Board of Directors consisting of 11 members under the leadership of the Chairperson. The members are:

- Director of Corrections: serves as Chairperson.
- Director of the DGS or designee.
- Director of Commerce or designee.
- Two members from the general public that are appointed by the Speaker of the Assembly.
- Two members from the general public that are appointed by the Senate Rules Committee.
- Two representatives of organized labor that are appointed by the Governor.
- Two representatives of industry that are appointed by the Governor.

#### **Meetings**

The PIB shall meet regularly (at least four times during each fiscal year), and additionally, as deemed necessary by the Chairperson or majority of the PIB.

#### **11040.5 Responsibility**

PIA operates as a business venture, on a profit and loss basis, and thus extends commitments to deliver its products within specific time frames. As a result, the program demands the fullest cooperation between facility and PIA staff.

The shared responsibility of the General Manager for the Prison Industry Revolving Fund and the operation of the various enterprises, and of the Warden for administration of the facility, requires careful attention to the effect of any decisions by either, on the responsibility of the other, thereby making close communication imperative. Other responsibilities include:

### **Director**

The Director shall be the administrative head of the PIB and shall exercise all duties and functions necessary to ensure that the responsibilities of the PIB are successfully discharged.

### **General Manager**

PIA is headed by a General Manager who functions as the Chief Administrative Officer and has line authority over all facets of PIA's operations and activities.

### **Prison Industries Administrators/ Managers**

PIA's Prison Industries Administrators/Managers shall:

Assist the General Manager and staff in the study of proposed new enterprises and furnish data, plans, or specifications required for them.

- Establish and maintain procurement controls designed to ensure effective and timely delivery of necessary raw materials, commercial items, and equipment of a quality standard which shall ensure a high grade of finished product.
- Establish and maintain production controls designed to assure timely delivery of quality at a minimum cost.
- Establish and maintain records of inventory, accounting, and cost controls as required by established policies.
- Establish and maintain controls which shall ensure a minimum expenditure of PIA funds.
- Inform the Warden of all matters affecting industries.
- Report to the General Manager on events and problems in PIA programs, or any changes in plans or deviations from established standards or commitments.
- Establish and oversee the functioning of training programs capable of developing industry employees within their present position as well as for future promotional endeavors.

### **11040.6 PIA Organizational Structure**

PIA consists of several divisions and branches many of which interface directly with, and/or provide assistance to, the facilities.

### **11040.7 Executive Office**

The executive office of PIA is comprised of the:

- General Manager.
- Chief Assistant General Manager.
- Assistant General Manager, Administration Division.
- Assistant General Manager, Operations Division.
- Assistant General Manager, Waste Management Division.
- Chief, QAU.
- Chief, Marketing Division.
- Chief, Civil Rights and Community Affairs Office.
- Chief, Data Management and Information Systems.

### **11040.8 Civil Rights and Community Affairs Office**

The PIA's affirmative action program provides for EEO in a discrimination-free work environment. The program is backed with a strong commitment from the General Manager and the Director.

### **11040.9 Quality Assurance Office**

The Quality Assurance Office plans, develops, and directs the total quality management program for PIA statewide.

### **11040.10 Administration Division**

As a service-oriented organization, the Administration Division provides for the fiscal management of PIA and the support services necessary for program operations. It works directly with all PIA services necessary for program operations. It works directly with all PIA offices and relevant outside agencies including:

- State Legislature.
- CDC.
- All facilities and PIA enterprises.
- Outside vendors.
- DGS.
- PIB.
- Other agencies and organizations as needed.

### **11040.10.1 Fiscal Services Branch (FSB)**

FSB administers the budgeting, accounting, and financial reporting activities of PIA. FSB performs its various tasks and operations through three organizational units as follows:

- **Budget Bureau**--has primary responsibility for development and administration of the annual operating plan (budget); provides both service and control.
- **Accounting Services Bureau**--has primary responsibility for preparation of the quarterly (interim) and annual financial statements, as well as maintenance of the accounts receivable and payable; provides both service and control.
- **System Design Bureau**--has primary responsibilities in conducting the annual physical inventory, accounting systems design, system table maintenance, and providing technical support to the Accounting Services Bureau.

### **11040.10.2 Procurement and Business Services Branch**

The Procurement and Business Services Branch serves as the focal point for all purchasing and business services functions within PIA field enterprises and headquarters.

### **11040.10.3 Human Resources Branch**

The Human Resources Branch provides the full range of personnel and training related services to PIA employees. Primary functions include:

- Classification.
- Recruitment.
- Examination and selection.
- Pay, payroll, and transactions for headquarters only.
- Training.
- Labor relations.

### **11040.10.4 Management Analysis Unit**

The Management Analysis Unit provides analytical support in the areas of legislation, program analysis, public relations, and other miscellaneous analytical projects as needed.

### **11040.11 Operations Division**

The Operations Division provides:

- Direction for the operation of PIA production facilities throughout the State and for the development and implementation of new/expanded enterprises.
- Carries out the policies of the PIB.
- Directs and oversees research and analyses of existing operations.
- Maintains positive working relations with Wardens.
- Develops and implements safety and training programs for field operations.

The division works directly with all offices within PIA and relevant outside agencies/organizations as listed in the DOM 11040.10.

### **11040.11.1 Operations Branches**

The four operations branches provide a headquarters' overview with technical assistance to PIA manufacturing, agricultural, and service enterprises in its facilities. The operations branches also ensure consistency of operations between similar factories and operating policies and practices of the factories, with the goals and objectives of PIA. The four operations branches provide technical expertise in various areas and exercise a major role in the planning and design of new products, equipment, and facilities. The four branches and their areas of expertise are:

- **Wood/Metal Products Branch.** The branch provides technical expertise in wood and metal products, general fabrication, textile mill, and engineering.
- **Soft Goods Branch.** The branch provides technical expertise in fabric products, knitting mill, shoes, fiberglass, mattress and bedding, and precast concrete products.
- **Service and Consumables Branch.** This branch provides technical expertise in laundry, detergent products, coffee, bakery, poultry, eggs, swine, meat processing, dairy, farm, and transportation.
- **Activation Branch.** This branch coordinates the onsite implementation of new PIA enterprises at facilities statewide. The branch also provides technical expertise in optical, dental, printing, bindery, paper products, micrographics, and key data entry.

### **11040.11.2 Product Design and Development Unit**

The Product Design and Development Unit works directly with facility production staff, Headquarters Prison Industries Managers, and sales representatives in providing plans and specifications for new and existing products.

**11040.11.3 Master Production Scheduler**

The Master Production Scheduler provides overall production scheduling of PIA's manufacturing, agricultural, and service enterprises by managing the master production schedule.

**11040.11.4 Lead Production Staff**

The following levels of staff administer operations at the facilities listed below:

Level of Lead	Staff Facility
Superintendent II Prison Industries Manager	SCC
	PBSP
	CVSP
	NCWF
	CCWF
Prison Industries Administrator CCI	CAL
	LAC
	CTF
	CIM
	CIW
	DVI
	FSP
	SAC
	CMC
	SOL
	SQ
	RJD
	ASP
	CEN
	COR
	WSP
	MCSP

Refer to DOM 62110 for the description and spelling of each facility.

**11040.12. Waste Management Division**

The Waste Management Division plans, researches, designs, constructs, and operates Correctional Resource Recovery Facilities (CRRF) and secondary manufacturing enterprises at various correctional facilities (State prisons, return-to-custody facilities, and local jails) throughout the State.

**11040.12.1 New Products/ Construction Development Unit**

This unit conducts the research and development activities related to determining the feasibility of waste management programs within specific jurisdictions. It plans and designs the physical plant based on customer need, and represents CDC in educating municipalities on PIA's CRRF program.

**11040.12.2 Operations Unit**

Achieves the start up and ongoing operation of the CRRF's and secondary manufacturing through the recruitment and hiring of free staff and inmates, the establishment of operational and management reporting procedures, and negotiation of recyclable commodities contracts.

**11040.13 Marketing Division**

Provides oversight for the Marketing and Sales program including marketing and sales activities, pricing, customer services, promotions, and research.

**11040.13.1 Marketing Services Branch**

The Marketing Services Branch is a service-oriented operation that provides product pricing and related support, promotional materials, and maintenance and market research services.

**11040.13.2 Sales Branch**

The role of the Sales Branch is to generate sales revenue, build market share, increase market base, build volume, develop sales outlets, provide consultation to public agencies for all PIA products and services, and promote special buying opportunities and new products.

**11040.13.3 Customer Services Branch**

The Customer Services Branch processes all incoming purchase orders and provides liaison between the customer, PIA operations, and the facility factories as well as enhances public relations.

**11040.14 Data Management and Information Systems Division**

The Data Management and Information Systems Division directs the implementation and operation of an automated manufacturing and accounting planning system that provides PIA with current information on manufacturing. The unit also provides EDP services in support of the PIA programs and works on the application and development of new projects while maintaining ongoing systems.

**11040.15 Inmate Labor**

Each inmate who is engaged in productive work under a PIA program shall receive pay as compensation.

Compensation schedules shall be determined by PIA and all compensation shall be credited to inmates' accounts.

All timekeeping shall be the responsibility of work supervisors and shall be in accordance with inmate work incentive policies and departmental procedures.

Inmates new to PIA or being assigned to a new job shall be trained on the job by a lead person (inmate) and/or a factory supervisor.

No employee or inmate shall sell or offer for sale any article manufactured by inmates or other prison labor, except sale of articles that is specifically sanctioned by law.

**11040.15.1 Prison Industries Inmate Pay**

Pay schedules, work classifications, position requirements, and other features of the Prison Industry Inmate Pay Plan are provided in DOM 51120.

**11040.16 Purchases**

All divisions and facilities under the Director shall purchase PIA standard and custom products in every category and of every type required for departmental use.

PIA shall keep the divisions and facilities informed of the availability of new products, and categories of products that can be provided on a special order basis. No purchase estimates shall be drawn to specify commercial products when PIA can furnish a product in the commodity category. PIA shall be guided, whenever feasible, in the development of new products and redesign of existing products by criteria that shall make them the most suitable for departmental use.

Any unresolved differences between the using division or facility and PIA as to the adequacy of a PIA product proposed for a given use shall be referred to the General Manager, PIA, for decision before any purchase may be made from outside sources.

Divisions and facilities shall keep PIA advised of large and unusual requirements far enough in advance, in order to permit production and delivery in time to meet departmental needs.

**11040.17 PIA Safety Committee**

Each facility that operates one or more PIA enterprises shall establish a PIA Safety Committee. It shall be noted that inmates employed by PIA are considered "employees" for purposes of the California Occupational Safety and Health Act (CAL-OSHA) of 1973 and subsequent amendments.

**Prison Industries Administrator/ Manager**

Committee membership shall be determined by each facility's Prison Industries Administrator/Manager. Membership shall include inmate workers as well as supervisory employee representation. The size of each committee shall be dependent upon magnitude, complexity, geographic location, and diversity of the industry's operations.

Membership selection process shall be determined by Prison Industries Managers, keeping in mind the necessity of accomplishing objectives by the most effective means.

Any grievances regarding health and safety issues shall be initiated and handled in accordance with DOM 54100.

**11040.18 Land Acquisition, Construction, Maintenance, Repairs, and Replacements**

Distribution of costs for buildings, grounds and roads, equipment and machinery, irrigation and water control, utilities, and land acquisition and construction/alterations is shown in.

**11040.19 Revisions**

The General Manager, PIA, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

**11040.20 References**

SAM §§ 3505 and 3672.

PC §§ 2800 - 2818.

ACA Standards 2-4412 - 2-4417.

DOM §§ 51120, 54100, and 62110.

CAL-OSHA.

**ARTICLE 5 — EVACUATION AND EMERGENCY MANAGEMENT***Effective January 23, 1990***Headquarters and Parole****11050.1 Policy**

When emergency situations occur, every reasonable effort shall be made to:

- Ensure the safety and protection of employees.
- Preserve the organizational structure.
- Provide for immediate resumption of essential departmental functions.

**11050.2 Purpose**

This section establishes specific steps to be followed in the event of various emergency situations occurring within Headquarters, regional parole offices, and field offices. Provisions for emergency preparedness and employee protection in institutions are found in DOM 55010 of this manual.

**11050.3 Emergency Organization**

Once the emergency plan has been activated, all emergency operations shall be directed by a predetermined command center (Command Center for Headquarters is located in the building manager's office).

The Command Center shall be manned by the emergency coordinator and staff who direct the operation of designated emergency floor personnel. These emergency floor personnel may include:

- Floor Wardens and alternates.
- Zone/area monitors and search personnel.
- Stairway monitors.
- Elevator monitors.
- Handicapped persons monitors.
- First-aid personnel.

A complete roster of building emergency personnel is located in building emergency directories that shall be posted on each floor. This directory also includes floor plans and designated evacuation routes.

**11050.4 Responsibility**

In the event of an emergency, designated employees have been assigned specific duties to be performed.

**11050.4.1 CHP**

SAM 2601 through 2667 outlines procedures to be used by CHP when responding to emergency situations in state facilities. In geographical areas where services of CHP are not available, emergency action shall be coordinated with local law enforcement agencies.

**11050.4.2 Managers/ Supervisors**

Managers and supervisors shall:

- Ensure that all employees possess a general knowledge of emergency procedures.
- Assign an emergency coordinator for each facility and office.

**11050.4.3 Departmental Emergency Coordinator**

The Chief, Emergency Operations, who serves as the Departmental Emergency Coordinator, shall:

- Prepare emergency plans, to include assisting in the preparation of plans for each subordinate facility and/or field office.
- Ensure the submission of all departmental facilities and/or field office emergency plans to the CHP every two years.
- Submit an emergency plan to the CHP within 60 days upon relocation or occupancy of new departmental facilities/field offices.

**11050.4.4 Regional Parole Emergency Coordinators**

Regional parole emergency coordinators shall:

- Assist each RPA in selection of emergency coordinators and alternates for each subordinate facility or field office.
- Ensure that relocated, new, or substantially modified facilities and field offices submit emergency/employee protection plans in a timely manner.
- Ensure that all regional facilities and field offices maintain updated plans.
- Retain one copy of each plan.

**11050.4.5 Emergency Coordinators**

Emergency coordinators shall:

- Coordinate the formulation and execution of emergency plans.
- Coordinate the selection, training and organization of adequate staff for conducting emergency operations.
- Direct and supervise the activities of building occupants during an emergency, and immediately following.
- Determine evacuation sites.
- Determine if, and/or when, employees may reenter the building.
- Assure that emergency directories are maintained and available to all employees.

**11050.4.6 Alternate Coordinators**

Alternate emergency coordinators shall serve as principal assistants to the emergency coordinators and act in that capacity in the absence of the coordinator.

**11050.4.7 Floor Wardens**

The floor Wardens report to the emergency coordinator and are in charge of the zone/area monitors, stairway monitors, handicapped persons monitors, first-aid personnel, and search personnel on their respective floors. They shall ensure:

- The safety of all occupants on their floors.
- Floor emergency personnel are designated and properly trained to perform their function safely and efficiently.

**11050.4.8 Alternate Floor Wardens**

Alternate floor Wardens shall serve as principal assistants to the floor Wardens and act in that capacity, in the absence of the floor Wardens.

**11050.4.9 Zone/Area Monitors and Search Personnel**

Zone/area and search personnel shall:

- Oversee the occupant search and report the results to the respective floor Wardens.
- Report any unsafe conditions or suspicious findings to the state/local police and emergency coordinator.
- Be the last person to leave their assigned area in the event of evacuation.

**11050.4.10 Stairway Monitors**

Stairway monitors shall:

- Regulate and expedite the orderly movement and flow of employees.
- Direct personnel to alternate stairways, if designated stairway is unsafe.

**11050.4.11 Elevator Monitors**

Elevator monitors respond to assigned elevators allowing only designated officials (i.e., police and firefighters) to use elevators during an emergency. The elevator monitors shall remain at the elevators until released by the zone/area monitors.

**11050.4.12 Handicapped Persons Monitors**

Handicapped persons monitors assist handicapped employees during emergencies. A monitor shall be assigned to each physically handicapped person.

**11050.4.13 First-Aid Personnel**

Trained first-aid personnel shall administer first aid when necessary.

**11050.5 Emergency Notification**

During all emergency situations, employees shall immediately notify the CHP or local law enforcement agency using the emergency numbers. The CHP, in turn, use their "hot line" for contact with the fire department, ambulance service, etc.

Immediately after reporting the emergency to the CHP, employees shall notify the emergency coordinator.

- This notification shall enable the coordinator to activate the building emergency plan. The employee making contact with the emergency coordinator shall inform the coordinator that the state/local police had been notified.

**11050.6 After Hours/Holiday Notification**

In the event of an emergency during evenings, weekends, or holidays, employees shall notify the state/local police using emergency numbers.

If evacuation becomes necessary during these hours, the state/local police shall act as floor Wardens and shall inform employees to evacuate. Employees shall follow the same designated evacuation routes as outlined in the emergency directory.

**11050.7 Evacuation**

When evacuation is necessary as determined by the state/local police or emergency coordinator:

- Employees shall leave the building immediately by the nearest designated exit.

- Bulletin boards contain maps of these exits.
- Emergency personnel shall be available to direct employees and ensure that all instructions are carried out.
- Evacuation of handicapped personnel shall be given highest priority in any emergency.
- Employees shall walk, remain quiet, use handrails, and follow any other emergency instructions.
- Women shall remove high heels.
- Employees shall gather in designated evacuation sites no less than one-half block from the building unless otherwise instructed.
- Following evacuation, police and other emergency personnel shall prevent entrance to the building.
- When an emergency is over, the emergency coordinator shall advise employees if/when they may return to the building.

#### **11050.8 Damage Control**

The emergency coordinator shall assess damage and determine if and/or what action is necessary to immediately control dangerous or potentially dangerous areas or situations. These actions may include:

- Fire suppression and standby.
- Disconnection of utilities and business machines.
- Medical standby.
- Protection or removal of flammables.
- Venting of doors and windows.
- Supervision of rescue and first-aid teams.
- Erection of barriers as necessary.
- Protection or removal of records.
- Identification and protection of hazardous substance exposure.

#### **11050.9 Medical Emergencies**

In the event of serious illness or injury, employees shall:

- Notify the State/local police and emergency coordinator. The CHP are equipped with resuscitator equipment and are trained in its use as well as trained in the area of first-aid procedures and cardio-pulmonary resuscitation. The CHP are not notified in the event of minor injury.
- Request assistance from first-aid personnel. These individual's names shall be posted on the emergency roster located on each floor.
- Not move victims unless absolutely necessary.
- Initiate first-aid action as deemed necessary.
- Arrange for injured employee, if necessary, to report to hospital emergency room.

If physician services are necessary, employees may contact their own doctor.

#### **11050.10 Fire**

In the event of a fire, employee(s) shall notify the CHP who in turn notify the fire department. Where CHP are not available, the local fire department shall be directly notified.

If fire is easily extinguishable, all attempts shall be made to put it out by using the hand fire extinguishers. Floor Wardens shall be oriented with the fire fighting equipment available on their respective floors.

If deemed necessary, evacuation of the hazardous area shall be initiated and the emergency coordinator advised of the evacuation immediately.

Elevators shall not be used during evacuation.

Employees shall ensure that all doors leading to the main hallways from all offices are closed in order to prevent fire from spreading.

#### **11050.11 Explosions**

In the event of explosions, employees shall take cover under tables, desks, or other similar objects that will offer protection against flying glass or debris.

After the effects of explosion have subsided, the police and the emergency coordinator shall determine if evacuation is necessary.

#### **11050.12 Demonstrations**

In the event of demonstration inside or outside, employees shall remain inside the building and conduct business as usual.

Employees shall not get involved in the demonstration, thus becoming a part of the problem.

#### **11050.13 Earthquakes**

In the event of an earthquake, employees shall:

- Remain in the building.
- Seek shelter under tables, desks, doorways, and similar places.
- Avoid overhead fixtures, windows, skylights, filing cabinets, book cases, or other items which could become falling or flying objects.
- Remain calm and wait for instructions from emergency personnel.

#### **Ordered Evacuation**

If evacuation is ordered, everyone shall:

- Evacuate as directed.
- Be aware of falling debris or electrical wires.
- Take precautions against possible aftershocks.
- Proceed to evacuation area and follow all instructions.

#### **11050.14 Bomb Threats**

In the event of a bomb threat, specific actions shall be taken depending upon the type of threat received.

##### **11050.14.1 Bomb Threats (Phone)**

Employees receiving a bomb threat by phone shall:

- Ask when bomb is scheduled to explode.
- Ask the location of bomb.
- Ask what it looks like.
- Ask reason for placing bomb.
- Keep caller on line as long as possible.
- Record following information:
  - Date and time of call.
  - An estimate of age, sex, race, child, or adult.
  - Exact words of caller.
  - Speech pattern, i.e., accent.
  - Background noises.

##### **11050.14.2 Bomb Threats (Mail)**

Employees receiving a bomb threat by mail shall:

- Not handle the letter, envelope, or package.
- Notify the emergency coordinator and state/local police.

Emergency coordinator shall preserve the evidence for law enforcement officials.

##### **11050.14.3 Bomb Search**

The safest method for handling a bomb threat is to institute an immediate and thorough search. During the search, employees are only looking for objects that do not belong in a specific area.

##### **Occupant Search**

- Occupant search is initiated by the command center and relayed by telephone to floor Wardens. This process involves a search by all building employees of their immediate work areas. Results of search shall be reported to floor Wardens.
- Employees assigned to search teams shall search all public and common use areas to include lobbies, restrooms, hallways, stairwells, storage rooms, and evacuation routes. They too shall report their findings to the respective floor Wardens.
- Floor Wardens shall in turn report findings to the emergency coordinator.
- The CHP or local law enforcement agencies shall assist in all areas of the search as necessary.

#### **11050.15 Suspicious Objects**

Explosives can be packaged in a variety of containers, but in most cases are camouflaged. The container is likely to be a common article such as a shoe or cigar box, grocery bag, airline flight bag, athletic bag, suitcase, attaché/brief case, etc. Prior to a search, employees shall be informed to look for the unusual, or something that appears out of place.

- It is imperative that someone who is familiar with a specific area assist in the search of that area so that unusual or alien objects are immediately recognized. Anything that does not belong, or whose presence cannot be adequately explained, shall be considered a suspicious object.

Once a suspicious object is located, it shall not be touched, moved, or disturbed. The employee that discovers the object shall:

- Obtain a good description of the object, i.e., floor, room number, area of room.
- Notify emergency coordinator of findings and obtain further instructions.



- Begin clearing all occupants from immediate vicinity and clear area directly above and below the object.
- When feasible, remove flammables from the affected area and ensure that fuel lines are turned off.
- Cordon off the area to prevent reentry.

The emergency coordinator shall notify the bomb squad if the CHP or local police agency is not present to do so.

#### **11050.16 Nuclear Threat**

In the event of blackmail, threats, or attacks involving radioactive materials or nuclear weapons, employees shall:

- Immediately report these threats to the state/local police who in turn notify the local Federal Bureau of Investigation (FBI) office.
- Notify the emergency coordinator.
- Follow directions contained in any threats in order to assist law enforcement officials in locating objects or materials.

If a suspicious object is located, refer to DOM 11050.15 of this manual.

#### **11050.17 Enemy Attack**

Signals emitted by civil defense intended as a warning of impending enemy attack are sounded by sirens.

- Alert signal is a steady blast or tone, three to five minutes in length, signifying that essential emergency information is about to be broadcast.
  - If evacuation is necessary, employees shall evacuate according to the instructions of emergency personnel.
  - Employees shall take personal belongings and possessions with them when leaving work stations.
- Attack signal is a wailing tone or a series of short blasts for three to five minutes signifying that an actual attack against the country has been detected. Employees shall:
  - Seek cover under tables, desks, or any large objects which offer protection against flying debris; or
  - Remain against the wall nearest a window for protection,
  - Remain under cover, or in a shelter, until otherwise notified by emergency personnel.

#### **11050.18 Revisions**

The Deputy Director, Institutions Division, or designee, shall ensure that the content of this section is accurate and current.

#### **11050.19 References**

GC Title 2, Division 1, Chapter 7.

SAM § 2660 - 2667.

CCR (15) (3) § 3302.

ACA Standards 2-4168, 2-2102, 2-4172, 2-2103.

### **ARTICLE 6 —REGULATION AND POLICY DIRECTIVES**

*Revised February 18, 2009*

#### **12010.1 Policy**

All divisions, institutions, camps, parole regions, community based correctional centers, and other departmental offices shall be promptly notified of changes in departmental regulations, policy, operational procedures, forms, and other matters of importance.

Changes to the regulations, the Department Operations Manual (DOM), bulletins, or forms shall not be processed without written authorization of the Secretary or designee.

#### **12010.2 Purpose**

This Article describes the regulations, manual, bulletins, and forms utilized to transmit departmental rules and operational directives and establishes procedures for their review and approval, promulgation, distribution, and maintenance. The process and procedures described here are intended to:

1. Allow Department stakeholders to have input on regulation and DOM development.
2. Define responsibilities for the content and updating of regulations and DOM policy.
3. Ensure regulations (Title 15) meet and are adopted according to statutory standards in the Administrative Procedure Act.

4. Set a priority for intentional and timely regulation and DOM development, review, approval, and dissemination.

#### **12010.3 Policy Directives**

Only the directives listed below shall be used to document and announce official Department rules, policy, and procedures:

- California Code of Regulations (CCR) (Title 15). These are also called Department's Rules.
- DOM.
- Bulletins.
  - Administrative Bulletin (AB).
  - Restricted Administrative Bulletin (RAB).
  - Informational Bulletin (IB).
  - Restricted Informational Bulletin (RIB).
  - Instructional Memorandum (IM).
- Notices.
  - Notice of Change to Regulations (NCR).
  - Notice of Change to DOM (NCDOM).
  - Restricted Transmittal Letter (REST).
- Forms approved for use and on record in the official forms catalog maintained by the Department Forms Coordinator.

#### **12010.3.1 Availability**

All policy directives are public records which shall be made available to employees, volunteers, inmates, parolees, other governmental agencies, and the public, unless specifically exempt pursuant to Government Code (GC) 6254.

Employees, inmates, parolees, and the general public may purchase all or any portion of this manual in printed form and other Department directives, which are not exempt from disclosure. Availability may be limited.

With the exception of inmate law libraries, no office is required to maintain this manual or other directive for the sole purpose of making it available for inspection. Any current copy of the DOM and existing directives are adequate for public inspection.

For information on how to purchase the DOM, you may contact the Regulations and Policy Management Branch (RPMB). The price will be determined by the cost of the last printing. Availability is limited.

Sections in DOM 55000 are classified as "Restricted" and specifically exempt from disclosure to persons other than employees with a need-to-know. These Sections are not the only records of the Department that may be exempt from disclosure. "Restricted" sections shall not be made available to inmates, parolees, or the general public.

#### **12010.4 Responsibility for Revision of Policy Directives**

The Assistant Secretary, Chief Deputy Secretary, Director, Deputy Director, or other executive designated in each article of DOM, under the "Revisions" section, shall ensure the article is revised and updated as necessary. Each CCR (Title 15) section is the responsibility of the Assistant Secretary, Chief Deputy Secretary, Director, Deputy Director, or other executive whose functional area administers the specific rule.

##### **Revision Requests**

Assistant Secretaries, Chief Deputy Secretaries, Directors, Deputy Directors, or other executives may initiate changes to the regulation sections and/or DOM manual articles for which they are responsible by forwarding a request to the Chief, RPMB in the following format:

- Sections affected.
- Purpose, reasons, or justification for change.
- Specified text change in underline/strikethrough format.
- The estimated fiscal impact of the change, if any.
- All references concerning the change.
  - State or federal law change, court agreement, settlement, or decision, operational need, changes to regulations of other departments, etc.
  - Name and telephone number of the lead program person to contact concerning the proposed revision.
- Authorization of the Assistant Secretary, Chief Deputy Secretary, Director, Deputy Director, or other Department executive over the functional area.

#### **12010.4.1 Revision Time Constraints**

Upon receipt of a request, RPMB shall log the document in and assign a project number. If the responsible program has not already completed a review by Department stakeholders, a memorandum shall be completed and forwarded by RPMB to the appropriate stakeholder programs informing them that RPMB has

reviewed the document and requests review and approval by the Department stakeholders. The time required to formulate policy and review the draft policy directive shall be governed by the following constraints:

#### **DOM**

- Assistant Secretary, Chief Deputy Secretary, Director, Deputy Director, or other responsible executive submits the proposed DOM revision to the RPMB.
- The RPMB: Four weeks from receipt of requested revision to produce the draft policy directive. The RPMB will also complete a Regulatory Impact Determination and analysis.
- Director or executive submitting the policy change: Coordinates stakeholder vetting and review allowing one day to four weeks for stakeholder review, depending on project priority. The RPMB will coordinate stakeholder review for the responsible program upon request. The following three stakeholder review/vetting timeframes shall be used:

Level 1. Immediate – One to five days for review and decision by Department stakeholders.

Level 1 review shall be used only when the Department must meet external time constraints (e.g., Court deadline, Legislative Mandate, Governor's Executive Order) and only when authorized by Department executive management.

Level 2. Priority – Two calendar weeks for stakeholder review and decision.

Level 3. Standard – Three to four calendar weeks for stakeholder review and decision.

Stakeholders who do not return a decision by the requested reply date shall be provided one reminder with a request for an alternate completion date. If the attempt to obtain a stakeholder decision fails, the program initiating the stakeholder reviews may "assume concurrence" for the non-responding stakeholder, note this in the DOM project package, and forward the package for final executive management review and approval. If concurrence on the DOM revision cannot be reached among the stakeholders, the outstanding issues shall be raised in writing or in a decision meeting with the Undersecretary or equivalent executive over the program initiating the change.

- RPMB: Following each review and return of the vetting/coordination document to the RPMB, two weeks to modify, if necessary, or finalize the policy document.
- Chief, RPMB: One week for review. The Chief shall then forward the DOM package for final executive review and approval.
- Assistant Secretary, Chief Deputy Secretary, or Undersecretary with program responsibility: One week for review and decision /approval.

The same stakeholder review/vetting timeframes used for proposed DOM revisions shall also apply to stakeholders reviewing proposed revisions to Title 15 regulations and to revisions to the restricted DOM.

#### **Regulations**

The RPMB shall determine the time required, depending on the size of the task, and the requirements of the Administrative Procedure Act to prepare the initial draft of regulations and Initial Statement of Reasons. The submitting division shall be advised of the anticipated completion date.

#### **12010.4.2 Preparation of Regulation Revisions**

Rule revisions, with the necessary documents for filing with the State control agency over regulations, the Office of Administrative Law (OAL), shall be developed by RPMB utilizing the revision request and in cooperation with staff from the originating division or unit and returned to the originating Assistant Secretary, Director, or other executive for review and comment/modification or approval.

Upon approval of the draft rules by the originating Assistant Secretary, Director or other executive, RPMB shall route the document to other affected programs stakeholders for review and comment or approval.

The RPMB reviewer shall discuss any proposal for a substantial change to the draft with the originating program and shall note the result of such discussion.

The concurrence of each affected Assistant Secretary, Director, or other executive is required before a revision may be submitted for Secretary, Undersecretary, or other rulemaking delegate's approval and signature.

If concurrence cannot be reached, the unresolved issues shall be raised in writing or in a decision meeting for final resolution by the Undersecretary or equivalent executive over the program that is initiating the revision.

At the request of any Assistant Secretary, Chief Deputy Secretary, Director, or Deputy Director, they shall be provided an opportunity to review the final version of the draft before it is forwarded for final approval and signature.

#### **12010.4.3 Formats**

Following are specifications and format instructions for the Department's policy and regulation directives:

##### **Regulations**

The format and specifications for the CCR (Title 15) are administered by the OAL, the State control agency for regulations and rulemaking.

##### **Other Directives**

The format and specifications for the Department's other directives are provided in the following forms:

- Administrative Bulletin, CDCR Form 1184.
- Informational Bulletin, CDCR Form 1185.
- Instructional Memorandum, CDCR Form 1187.
- Notice of Change to Regulations, CDCR Form 1189.
- Notice of Change to Department Operations Manual, CDCR Form 1189-A.

#### **12010.5 CCR – Department Rules (Title 15)**

The CCR are the Department's regulations (Secretary's Rules) that are codified in Division 3, Title 15, of the CCR for Adult Operations, Programs, and Parole and are overseen by OAL. Properly adopted regulations have the force of law. CDCR may not lawfully enforce a rule, order, or standard of general application that is a regulation unless it has been adopted as a regulation and filed with the Secretary of State.

A departmental rule, order, or standard of general application may be considered a regulation if it:

- Implements, interprets, or makes specific the provisions of statute, case law, or regulations of controlling agencies.
- Is a mandate and applies equally to all inmates, parolees, and the public in similar situations.
- Imposes a standard for required inmate, parolee, or staff behavior with consequences for noncompliance.
- Imposes requirements which shall be met to qualify for any general entitlement or privilege available to inmates, parolees, or the public.
- Imposes criteria which govern staff decisions affecting inmate custody, discipline, classification, programming, release date, visiting, transfer, etc. or affect the terms or conditions of parole.
- Mandates fair and prompt staff response (due process) or entitlement (rights).

State law prohibits Departments from issuing and enforcing rules of general application without first adopting them into regulations: "No State agency shall utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule which is a regulation as defined in Government Code Section 11342.600 unless it has been adopted as a regulation and filed with the Secretary of State" (Government Code 11340.5).

#### **12010.5.1 Issuance of CCR**

The CCR shall be issued to the below-specified persons at the designated places:

- New Correctional Officers and Parole Agents by the Academy.
- Other new employees by their assigned institution or office where hired and prior to assuming regular duties.
- Volunteers and contractors by the person's institution or headquarters office.
- Inmates within 14 days of reception by the Department. The inmate shall sign a Document Receipt, CDC Form 128-O. The completed form shall be placed in the inmate's central file (C-File).
- Parolees, including those confined in county facilities pending Board action, court action, or return to prison, may request a copy from their assigned DAPO parole office.
- Any State agencies and Legislators, by the RPMB upon request.

##### **Regulation Revisions**

Institutions and all other facilities which house State adult inmates under the jurisdiction of the Department shall make available published rule revisions to inmates as soon as practical, but not later than ten working days, following receipt of the revisions.

DAPO parole offices shall make a copy available for parolees to examine. If a parolee requests a copy, they may purchase an up-to-date copy of the CCR from RPMB by the procedures outlined in DOM Subsection 12010.5.4, below.

#### **12010.5.2 Rules Coordinator**

Rules coordinators shall coordinate the ordering, receipt, storage, and distribution of the CCR in the institutions, parole regions, or departmental offices. The institution rules coordinators shall ensure sufficient copies of revisions are received for issuance to all institutional staff and all inmates. The DAPO Headquarters and parole region rules coordinators shall ensure sufficient copies of revisions are received for issuance to all parole staff and available for parolees to review.

For each institution, a custodial officer at the level of Correctional Counselor II / Lieutenant or above shall be designated as the rules coordinator.

For each parole region, the regional training coordinator shall be designated as the rules coordinator.

For Central Office and all other departmental offices, the Chief, RPMB, shall be the designated rules coordinator.

For DAPO Headquarters, the Parole Agent III in charge of the Policy and Procedures Unit, shall be the designated rules coordinator and will work with the Chief, RPMB, on those matters pertaining to DAPO.

The position designated as the rules coordinator shall be submitted to the RPMB whenever there is a change in designation.

Prior to the bulk shipment of an updated CCR and/or revisions, the RPMB shall advise each rules coordinator of the estimated shipping date. Each rules coordinator shall:

- Arrange for distribution within five working days after receipt.
- Arrange for storage of copies needed for future issue.

Inquiries regarding shipment, quantity, or distribution of the CCR shall be made by the rules coordinator to the Chief, RPMB.

#### **12010.5.3 Ordering CCR**

The RPMB shall submit to the rules coordinator a formal reminder that it is time to submit their annual order for CCRs. The rules coordinator shall estimate the number of CCRs required for issue for an annual supply. The memorandum or notice transmitted by the RPMB shall be returned to the RPMB by the rules coordinator, which shall constitute the order for that facility.

- Several months are required to plan the printing and receipt of the rule books. An emergency order may be requested; however, in general, rule books shall be ordered annually.

#### **12010.5.4 Replacement CCR/Copies for General Public**

Inmates and parolees who have lost, misplaced, or not maintained their issued copy of the CCR and the general public who desire a copy of the CCR may purchase an up-to-date copy of the CCR by submitting a check or money order made payable to "State of California" with their request for CCR, Division 3, Title 15, to the RPMB. (Price is determined by cost per copy of latest available edition, and availability is limited.)

#### **12010.5.5 Rules in Spanish**

A Spanish language version of the CCR shall be made available for review by those Spanish-speaking inmates who cannot read English. Inmates shall not be issued personal copies of the CCR in Spanish.

A minimum of one copy of the CCR in Spanish shall be maintained at:

- Reception centers.
- Institutions.
- Community based correctional centers.
- Reentry facilities.
- Regional parole headquarters.
- Inmate law libraries.

When the Department has formally adopted a change to the CCR, the RPMB shall arrange for the translation to be incorporated into the next Spanish CCR edition.

#### **12010.5.6 Proposed Changes to CCR**

A change to the CCR may be proposed through the chain-of-command to the affected Assistant Secretary or Director by any employee.

The change requires approval of the Assistant Secretary or Director for the division or unit responsible for administering the rule revision

material. The Secretary's, Undersecretary's, or Chief Deputy Secretary's approval and signature is required on all NCRs.

An inmate, parolee, or member of the general public may submit a petition for change to the Assistant Secretary or Director administratively responsible for the area of desired change in accordance with Government Code 11340.6.

No special format is required for submitting a proposed revision; however, the proposed revision shall meet Administrative Procedure Act (APA) standards, which are:

- "Necessity"; there is a substantial need for the regulation as proposed.
- "Authority"; there is an existing statutory provision which permits or obligates the Department to adopt, amend, or repeal the regulation as proposed.
- "Clarity"; the regulation as proposed will be easily understood by those affected.
- "Consistency"; the regulation as proposed does not conflict with or contradict any existing statutes, court decisions, or other provision of law.
- "Reference"; there is a statute, court decision, or other provision of law which the Department will be implementing, interpreting, or making specific by adopting, amending, or repealing the regulation as proposed.
- "Nonduplication"; the regulation as proposed does not simply repeat or serve the same purpose as an existing law or regulation.

#### **12010.5.7 Notice of Change to Regulations**

At least 45 days prior to a public hearing on proposed regulation changes, a Notice shall be published in the California Regulatory Notice Register and shall be mailed to interested persons on the RPMB mailing list. The Notice shall also be posted on the Intranet and the Department's Internet.

Any interested person is invited to submit written or electronic mail comments regarding proposed rule revisions to the RPMB.

At the same time the Notice of the Department's proposed regulatory change is submitted to the OAL, the Notice of Change to Regulations (NCR) shall be prepared and e-mailed to the rules coordinator at each institution and parole region who shall:

- Post/issue Notice of Change to Regulations. Such notices shall be posted in the institutions, parole offices, and facilities where inmates/parolees can view them.
- Institution rules coordinators shall complete a Certification of Posting, CDCR Form 621-A, and ensure it is forwarded to the RPMB within 10 calendar days of receipt.

GC 11346.4 requires that at least 45 days prior to the hearing and close of the public comment period on the adoption, amendment, or repeal of a regulation, notice of the action shall be mailed to interested persons.

#### **12010.5.8 Posting Requirements**

The NCR shall be posted by the rules coordinator or designee and made available for inspection by all inmates and staff within five calendar days after receipt of the Notice. Penal Code 5058(a) establishes a duty for the Department to post copies of regulation changes in conspicuous places.

Notices shall be:

- Posted on staff and inmate bulletin boards.
- Posted in inmate housing units, corridors, and other areas easily accessible to inmates.
- Provided to inmate advisory committees/councils.
- Provided to inmate law libraries.
- Provided to inmate prison hospitals.
- Provided to inmate lock-up units.

All inmates and employees shall be provided the opportunity or means to be informed of and review the notice.

NCRs may be removed once the public comment period on the notice ends. A copy of the NCR shall be retained in the institution's records by the Rules Coordinator.

#### **12010.5.9 Public Hearing/ Written Comments**

A public hearing may be scheduled at which time all interested persons may present comments regarding the proposed revision.

Any interested person may also submit written or electronic mail comments to the Chief, RPMB, regarding a proposed revision. Written comments must be received by the Department no later than the published close of the public comment period.

Oral presentations at the public hearing shall be recorded. The recordings and all written comments are retained by the RPMB as a public record in the rulemaking

file for at least one year from the date the regulation is filed with the Secretary of State.

#### **12010.5.10 Actions after Hearing-Rulemaking File**

The rulemaking file is a cumulation of all the documents and material required pursuant to the APA, which include recorded or transcribed verbal and all written comments received by the Department during the public comment period, departmental comments on the accommodation or non-acceptance of the received comments, an updated informative digest, and the proposed final text of the regulation.

In response to the public comments received, the Department may:

- Redraft the proposed regulation and schedule another hearing;
- Modify language with sufficiently related changes to the originally proposed regulation text and provide a 15-day comment period; or
- File with the OAL the originally proposed regulation text without change.

Substantial modifications to the originally proposed regulation text shall not occur unless the change is sufficiently related to the regulation subject matter that was originally filed with the OAL and as appeared in the public notice.

A copy of the rulemaking file shall be sent to the OAL. Upon receipt of the file, OAL has 30 working days to examine the rulemaking file for compliance with the provisions of the APA and to compare the cited authority and references. If the rulemaking file complies with the APA, OAL certifies that the regulations were properly adopted and files the regulation as proposed with the Secretary of State. Upon receipt of a stamped copy of the regulation filed with the Secretary of State, the RPMB shall post the final rulemaking file on the Internet and the Department's Intranet informing all concerned of the adoption of the regulation.

The effective date of any regulation is 30 days after it is filed with the Secretary of State unless a different date is specified. The effective date of the regulation shall be noted in the Notice.

#### **12010.6 Department Operations Manual**

Department Operations Manual (DOM) contains policy and procedures for uniform operation of the Department and is issued statewide to inform staff of the approved procedures for program operations. The RPMB shall issue the DOM to all Central Office executives, to other Central Office employees whose jobs require them, to other agencies, such as the Attorney General's staff who represent the Department in litigation, and to members of the public who wish to purchase the manual.

Restricted sections of the DOM shall not be available for public review or purchase.

##### **12010.6.1 DOM Revisions**

Each article of DOM has a "Revisions" subsection which identifies the Assistant Secretary, Director, or other executive responsible for ensuring the accuracy and currency of the content in that article. That Assistant Secretary, Director, or executive shall:

- Identify the need for and initiate a revision to DOM when necessary.
- Ensure other affected divisions are provided with an opportunity to review and comment on the proposed revision at the policy coordinator level. Upon request, the RPMB will assist with coordinating or "vetting" the proposed DOM revision.
- Incorporate the feedback from affected divisions and forward the completed proposed revision to the Chief, RPMB.

In completing this process, the RPMB will:

- Format, review, and analyze the proposed revision.
- Perform a Regulatory Impact Determination as needed to identify existing regulations that may need to be revised, or new regulation material contained in the proposed DOM policy that must be adopted before the DOM is implemented and enforced.
- Ensure necessary Assistant Secretary or Director level reviews are completed.
- Submit the proposed revision to the appropriate Assistant Secretary or Chief Deputy Secretary for final approval.
- Distribute the revision to the field and headquarters staff and post the information on the Department Intranet and Internet.

##### **12010.6.2 DOM Subchapter 55000, Restricted DOM: "Issuance and Responsibilities of Holders"**

The Restricted DOM, Subchapter 55000, shall be issued only to specific Department positions that require the knowledge and use of the restricted content in order to perform their position's duties and responsibilities (e.g., Watch Commander, Facility Captain, Associate Warden, Assistant Secretary, Director, etc.). Post Orders or job descriptions for those positions should reference the Restricted DOM for accountability purposes. The Restricted DOM shall not be issued to individual persons. Staff in positions that have been issued a Restricted DOM are responsible for its updating when revisions are distributed, for its security and its proper use. The Restricted DOM shall be secured in a locked cabinet and/or office when not being used. Contents of the Restricted DOM shall not be discussed in the presence of those who do not have a need-to-know and under no circumstances shall copies of any portion of Subchapter 55000 be made, emailed, or sent by FAX. The Restricted DOM shall be viewed by CDCR employees on a need-to-know basis.

- Institutional/Parole region Supplements to the Restricted DOM are not to be left unattended or in an office/work area that is not secured. They shall be maintained within the manual after the respective section being addressed.
- Transmittal Letters must be kept in numerical order and under the tab identified for transmittal letters.
- RABs must be kept in the front of the manual and in numerical order.
- The Revision Record to the Restricted DOM needs to be completed for every new addition or revision to policy that is incorporated into the Restricted DOM.
- The Restricted DOM shall be audited on an annual basis by the institutional or unit's DOM Coordinator to ensure they are updated and current.

The Restricted DOM shall remain with the position unless, or until, the manual is reissued to another position by the Hiring Authority. Prior to vacating a position for which the Restricted DOM has been issued, the staff member shall return the Restricted DOM to the DOM Coordinator or the Administrative Assistant to the warden or parole administrator.

The Restricted DOM master shall be maintained by the Department's Restricted DOM Coordinator assigned to the RPMB who oversees the secure development, approval, distribution, and records of new and revised policy in Subchapter 55000. Any new policy and revision to current policy of the Restricted DOM shall be coordinated through the Restricted DOM Coordinator of the RPMB. Institutional/Parole region staff in need of current information/documents for their respective Restricted DOM(s) shall contact the restricted DOM coordinator to obtain those documents. The Restricted DOM Coordinator shall maintain a list of allocated Restricted DOMs for each Department institution, division, or office authorized to hold the Restricted DOM and update or revise that list as needed.

The Restricted DOM is a confidential document that is subject to the privilege for official information as described in Evidence Code (EC) 1040. The Restricted DOM and its content are accordingly exempt from public disclosure.

Requests for a complete Restricted DOM shall be addressed to the Chief of the RPMB. The request shall include a justification for the need for the position to have a Restricted DOM and a statement that all Restricted DOM currently issued to the institution, division, or office are updated, secure, and properly allocated.

##### **Access to Subchapter 55000 by the California Correctional Peace Officers Association**

An agreement between the CDCR and the California Correctional Peace Officers Association (CCPOA) allows CCPOA to have access to the DOM, Subchapter 55000, Restricted Procedures.

In order to resolve matters that may arise, the CDCR and the CCPOA agree that:

1. CDCR shall retain sole possession of that document known as the DOM Subchapter 55000.
2. CCPOA shall have access to DOM Subchapter 55000 (except Section 55030, Job Action Contingency Plan) in the following manner:
  - a) CDCR shall provide access to CCPOA representatives at both the institutional level and the headquarters level. Access shall be provided only on an appointment basis with a minimum of one hour's notice. It is understood that normally such appointment at the institutional level will occur within 24 hours of the request.
  - b) The access described above shall be available to the following CCPOA representatives:
    - 1) Local Chapter Presidents
    - 2) Local Chapter Vice-Presidents
    - 3) Chief Job Stewards
    - 4) CCPOA Field Representatives
    - 5) CCPOA Legal Staff
    - 6) CCPOA Chief Administrative Officer
    - 7) CCPOA Statewide President

- 8) CCPOA Statewide Vice-Presidents
- 9) A member of any CCPOA bargaining team

In addition to the above, any Bargaining Unit (BU) 6 member or his/her designated representative, upon request, may have access to DOM Subchapter 55000 (except Section 55030) when the BU 6 member is being investigated as to matters covered by Subchapter 55000 or has been disciplined with regard to matters covered by Subchapter 55000.

3. In no event shall more than three of these persons have access at one location at the same time.
4. Under no circumstances shall access include the right to photocopy any portion of DOM Subchapter 55000.
5. CDCR Chief of the Office of Labor Relations shall notify the Chief Administrative Officer of CCPOA in writing of any changes to DOM Subchapter 55000.

CDCR is committed to upholding its agreement of providing CCPOA with access to DOM Subchapter 55000. To carry out this commitment, the Chief of RPMB shall coordinate CCPOA inspection of DOM Subchapter 55000 at CDCR headquarters. The Employee Relations Officer (ERO) is the representative at the institutional level to coordinate the requests for access to DOM Subchapter 55000. Any requests to individuals other than the ERO will not be honored and the requestor will be referred to the ERO. The ERO will not maintain a copy of DOM Subchapter 55000 for the sole purpose of having it readily available for CCPOA to review. Instead the ERO shall coordinate the review of a copy of DOM Subchapter 55000 from a copy allocated to the institution. The ERO shall ensure, however, that prior to CCPOA reviewing DOM Subchapter 55000, that Section 55030 has been removed from the copy CCPOA will be reviewing.

The following procedures provide for statewide access by CCPOA to DOM Subchapter 55000 (except Section 55030):

The Chief of RPMB shall:

1. Maintain and control DOM Subchapter 55000.
2. Provide or coordinate the supervision of DOM Subchapter 55000 during any inspection by eligible CCPOA representatives or BU 6 members at the headquarters.

The Warden/Regional Parole Administrator shall:

1. Ensure that all requests from CCPOA representatives or BU 6 members for inspection of DOM Subchapter 55000 are processed through the ERO.

The ERO shall:

1. Arrange for the review of DOM Subchapter 55000.
2. Provide or coordinate the supervision of DOM Subchapter 55000 during any inspection by eligible CCPOA representatives or BU 6 members.
3. Document each time that DOM Subchapter 55000 is reviewed by eligible CCPOA representative or BU 6 member as outlined above. The following information shall be recorded in the log book:
  - a) Full name of person reviewing DOM Subchapter 55000.
  - b) The position of the person reviewing DOM Subchapter 55000 (CCPOA affiliation) or rank of the BU 6 member.
  - c) Date DOM Subchapter 55000 was reviewed.
  - d) Time DOM Subchapter 55000 was reviewed.
  - e) Signature of CCPOA representative/BU 6 member(s) reviewing DOM.
  - f) The DOM section(s) reviewed.

### **12010.6.3 DOM Supplement Process**

#### **Policy**

There may be a need at the facility/parole region level to clarify or supplement information in a section of the DOM. This need may arise from insufficient detailed information upon which to provide for day-to-day operation at the individual facility or parole office. When such need occurs, as determined by the Warden or Regional Parole Administrator, a DOM supplement shall be developed detailing the manual policy.

DOM supplements shall:

- Be brief and generally no more than two to four pages for any DOM article.
- Be attached to the applicable DOM article.
- Not create new policy.

- Clarify and not restrict, expand, or conflict with the DOM provisions.

#### **12010.6.3.1 Purpose**

The purpose of this Section is to provide a process by which facilities and parole regions shall clarify the DOM for local operational purposes.

#### **12010.6.3.2 Supplements to the DOM**

An operational supplement shall contain only specific information required for local day-to-day operation. It shall contain procedures required to accomplish the mandate of the DOM article. The DOM supplement could include such things as who escorts certain groups of inmates within or from a specific housing assignment or in which institution offices computers shall be located. Only when there is demonstrated need to add to the DOM article to provide for a specific local operational need as determined by the Warden of an institution or Regional Parole Administrator shall a DOM supplement be used. DOM supplements shall be reviewed for policy compliance during the audit process. Supplements shall be in the same format as the DOM.

#### **12010.6.3.3 Substantive Exemption to a Section of the DOM**

It is the intent of the Department not to have substantive changes to requirements of the DOM in DOM supplements. However, on rare occasions there may be other mandates which require an exemption to some DOM provisions. Such mandated exemptions shall include court orders which affect only a particular facility's operation or a statutory requirement not required to be implemented statewide. Authorized pilot programs under Penal Code 5058.1 announced through an Instructional Memorandum or Administrative Bulletin may justify specific exemptions to regulations and/or DOM provisions.

When such an exemption is required for other than an authorized pilot program, a justification shall be submitted to the appropriate Assistant Secretary or Director for approval of the exemption. The justification for the exemption shall include a description of the mandate requiring the exemption and an evaluation of the consequences if it is not approved.

#### **12010.6.3.4 DOM Supplements are Distinct from Local Operational Procedures (OP)**

Whereas DOM supplements provide detail for implementing statewide policy locally, OPs address localized policy only, for example, inmate visiting days and hours, local emergency response during local flooding, or local noise and light mitigation.

#### **12010.6.4 DOM Coordinator**

Each Warden/RPA shall designate a DOM coordinator and shall develop a master distribution list for the institution/parole region naming the positions that shall receive the manual. The name of each DOM coordinator shall be submitted to the RPMB.

DOM coordinators shall receive all copies of the manual and revisions for their institution/parole region and shall issue the manual and its revisions to the positions named on their local master distribution list.

An employee vacating a position who has been issued a manual shall return the manual to the DOM coordinator before vacating the position. This is especially important for the Restricted DOM. If a position is deleted from the master distribution list, or a manual is of little or no use to a position currently on the master distribution list, the DOM coordinator shall recover the manual from that position.

The manual, except for sections labeled "restricted," shall be available in inmate law libraries and be available for public review at each institution/regional parole office.

The DOM coordinator shall audit all manuals, including the Restricted DOM, in the institution/parole region annually to ensure the manuals are available and properly maintained.

#### **12010.7 Bulletins**

Specific bulletins shall be used to announce policy for the Department. Each bulletin shall:

- Be reviewed by appropriate Assistant Secretary or Directors prior to submission for approval.
- Be signed by the Secretary, Undersecretary, or Chief Deputy Secretaries.
- Be processed through the RPMB for assignment of a number, forwarding for review by Department stakeholders and executive staff, and processing for printing and distribution.
- Contain an expiration date.

#### **12010.7.1 Administrative Bulletins and Restricted Administrative Bulletins**

An Administrative Bulletin (AB) may be used to announce immediate or temporary revisions to departmental policy or new program initiatives, which will be subsequently included in the DOM. Each AB will have a cancellation date not more than one year from the effective date of the AB by which time the policy in

the AB shall be adopted into DOM or rescinded. A Restricted Administrative Bulletin (RAB) may be used when the change in policy or procedure will be incorporated into the Restricted DOM.

The Assistant Secretary or Director who administers the area in which a policy change is occurring is responsible for preparing the AB/RAB as follows:

- Determine that an AB/RAB is needed and initiate its preparation within their program.
- Contact RPMB and inform them of the proposed change.
- Ensure other affected divisions are provided an opportunity to review and comment on the draft AB/RAB at the policy coordinator level. RPMB may, upon request, assist with the coordination/vetting process.
- Accommodate comments from affected divisions.

In completing this process, the RPMB will:

- Format, review, and analyze the AB/RAB.
- Ensure necessary Assistant Secretary or Director level reviews are completed.
- Submit the AB/RAB to the appropriate Assistant Secretary or Chief Deputy Secretary for final approval.
- Policy modifications resulting from changes in statute or from court decisions shall be cleared through the Office of Legal Affairs and Fiscal Services prior to submittal for the Secretary's or Undersecretary/Chief Deputy Secretary's approval.
- Policy modifications which potentially affect more than one division shall be routed to the head of each affected division or office for review, comment, and approval.

#### **12010.7.2 Informational Bulletin**

The Informational Bulletin (IB) is prepared to transmit non-policy announcements of staff appointments, references, significant form revisions, and directory changes (e.g. addresses, telephone numbers), and events or activities about which departmental staff should be informed.

The process for completing IBs is as follows:

- The Assistant Secretary or Director who identifies the need for an IB initiates the IB.
- The IB is forwarded to the Chief, RPMB.
- The RPMB staff reviews, proofs, and formats the IB and submits it to the Chief, RPMB, for approval and signature.

The bulletin shall be maintained on the RPMB website for up to 2 years from date of publication.

#### **12010.7.3 Instructional Memo**

The Instructional Memo (IM) is used to:

- Disseminate immediate and temporary policy or procedure modifications to the field via the Assistant Secretary or Director. The IM shall contain an expiration date no longer than 60 days.
- Implement a 24-month regulatory Pilot Program under the authority and conditions in Penal Code Section 5058.1 to individual institutions via the RPMB as directed by the appropriate Assistant Secretary, Director, or Department executive.

#### **12010.8 Pilot Programs**

The Secretary of the California Department of Corrections and Rehabilitation may authorize pilot programs for up to two years using the authority granted in Penal Code (PC) 5058.1. Pilot programs are implemented using an Instructional Memorandum or other policy directives as defined in DOM Chapter 1, Article 6, Regulation and Policy Directives. RPMB coordinates with the initiating program on the development and Department approval of pilot programs and submits the pilot program documents to the Office of Administrative Law for certification.

Under PC 5058.1, pilot programs may affect no more than 10 percent of the inmate or parolee population (e.g., female inmates, male inmates, total inmate population). The Secretary or rulemaking designee must certify that the pilot program's policies meet the criteria for adoption as a pilot under the Penal Code, provide an estimate of the fiscal impact, and describe the methods by which the pilot program will be evaluated.

Pilot programs have a duration of up to two years and are then automatically repealed by operation of law. In order for the program to

continue beyond two years, regulations to codify the programs into the Title 15 must be adopted by the end of the pilot period.

#### **12010.9 Forms**

The forms coordinator located in the RPMB will be responsible for implementing and managing all functions related to departmental forms control for Adult Operations, Adult Programs, and program support. The forms coordinator will be responsible for the following:

- Overseeing the development and revision of forms to ensure compliance with applicable laws and regulations.
- Assigning form numbers.
- Performing a determination of the impact of a form revision on regulations and the DOM.
- Developing and maintaining the departmental Forms Catalog.
- Providing assistance and information to departmental staff on revising and obtaining departmental forms.
- Acting as departmental forms liaison with other State departments.
- Gathering the necessary information from departmental staff for the completion of form management reports.

#### **12010.10 BPH/NAEA Regulations**

At each institution, the Classification and Parole Representative (C&PR) shall be the BPH/NAEA rules coordinator. The C&PR shall ensure that the inmate population has knowledge of BPH/NAEA Rules and amendments.

Within parole regions, the regional training officer shall be the BPH/NAEA rules coordinator.

The C&PR and the regional training officer shall arrange for the posting and distribution of Notices of Intent to Revise the BPH/NAEA Rules.

The BPH Rules and the revisions thereto shall:

- Be issued only to specific positions.
- Be sent to inmate law libraries.
- Be maintained in each:
  - Parole office.
  - Community correctional center.
  - Regional parole headquarters.

The BPH/NAEA rules coordinators shall:

- Ensure there are sufficient copies of BPH/NAEA Rules.
- Arrange for storage of copies for future issue.

All inquiries relating to the BPH or NAEA Rules shall be made through the rules coordinator to the legal counsel of BPH or the Executive Officer, NAEA, as appropriate.

#### **12010.11 Regulation and Policy Records**

Each division shall maintain their own policy files. A retention schedule shall be established. Those documents that contain historical data shall be retained for the appropriate time frame and transferred to the State Archives.

The RPMB shall maintain rulemaking and policy files relative to printed policy adoptions; i.e., regulations, manual revisions, and bulletins.

- A copy of any document(s) transmitted to clarify, implement, or enforce existing policy shall be sent to the RPMB to ensure that existing written policy remains current.
- A copy of any formal report (research, evaluation, study, etc.) shall be transmitted to the RPMB for retention as reference material.

#### **12010.12 Revisions**

The Director, Division of Support Services, shall ensure that the content of this Article is accurate and current.

#### **12010.13 References**

PC §§, 2080, 2086, 2930, 5050, 5054, 5055, 5058, 5058.1, 5058.3, and 5204(c).

GC §§ 6254, 6255, 11340 - 11350.3 and 14770-14775.

EC § 1040.

CCR (1). §§ 1-280 and (15) § 3002 and 3423.

### **ARTICLE 7 — CONFERENCES AND CONVENTIONS**

*Revised July 17, 1996*

#### **12020.1 Policy**

Departmental and non-departmental meetings, conferences, and conventions, when sponsored by the Department or other professional organizations, are

positive methods to enhance general professional development and further CDC goals.

- Staff are encouraged to participate in authorized departmental and nondepartmental meetings, conferences, and conventions.

#### **12020.2 Purpose**

This section designates those responsible for selecting attendees, submitting of required forms, and approving authority for requests to attend meetings, conferences, and conventions.

#### **12020.3 Authorized Meetings, Conferences, and Conventions**

All meetings, conferences, and conventions of ten or more people that involve travel, per diem, or other expenditures shall require approval of the appropriate Chief Deputy Director. By June 30 of each year, all Deputy Directors and Assistant Directors shall submit to the Chief, VSRP, a schedule of meetings, conferences, and conventions to be conducted during the following fiscal year. VSRP shall coordinate the final review and approvals by the Chief Deputy Directors.

- The CDC Form 1328, Meeting/Conference Schedule, shall be used for submitting this information.
- These activities shall be considered business meetings or business conferences and expenses incurred shall not be charged to training budgets, but to other appropriate budget allotments (e.g., travel).

The Chief, SPB, shall submit the meeting, conference, and convention schedules to the appropriate Chief Deputy Director for departmental approval. A copy of the approved schedule shall be returned to the submitting Deputy Director or Assistant Director. SPB shall include the meeting, conference, or convention on the departmental master calendar.

No further approvals for departmental meetings, conferences, and conventions are required during the year provided no substantive changes occur in the previously approved schedule and the event is being held at a State facility.

Meetings, conferences, and conventions held at other than State facilities require YACA approval. (See DOM 12020.6.)

Any request requiring YACA approval shall first be approved by the appropriate Chief Deputy Director.

The SPB shall review and coordinate the approvals for submission to the Chief Deputy Directors and YACA.

#### **12020.4 Schedule Changes Requiring Departmental Approval**

Changes to approved schedules requiring departmental approval include:

- Any increase in the number of events.
- A location change requiring YACA approval.
- Additional costs exceeding the original estimate by 10 percent or more.

#### **45 Days Prior**

Details of the requested amendment shall be submitted to the Chief, SPB, 45 days prior to the meeting, conference, or convention to allow sufficient time for the necessary approvals.

#### **12020.5 Agendas for Conferences, Conventions, and Meetings**

With the aim of achieving program goals and objectives, an agenda shall be prepared for each meeting, conference, or convention. Specific benefits to CDC such as increased productivity, problem solving, or other staff improvements should be especially noted.

The agenda shall include the title of the event, the dates, meeting location, and an outline of the major items to be discussed.

#### **30 Days Prior**

The Deputy Director or Assistant Director shall submit the agenda to the appropriate Chief Deputy Director at least 30 days prior to the meeting, conference, or convention.

#### **12020.6 Use of Off-Site Facilities**

In compliance with criteria established by the Governor's Office, written approval from the Secretary of YACA, or designee, shall be obtained prior to scheduling any state-sponsored meeting, conference, convention, or training session which includes the rental of an off-site facility.

#### **Request to Rent**

Requests to rent an off-site facility shall include a comparison of costs from various private facilities and explain why it is not feasible to use a State facility.

#### **60 Days Prior**

The appropriate Deputy Director or Assistant Director shall submit to the Chief, SPB, a YACA Form 83-9-1, Request to Schedule Conference or Meeting, at least 60 days prior to the scheduled event. The SPB staff shall review the submitted paperwork to confirm that all necessary information is included. The appropriate Chief Deputy Director shall approve or deny the request and SPB shall return the request to the appropriate Deputy Director or Assistant Director.

#### **12020.7 Non-departmental Meetings, Conferences, and Conventions**

This section pertains to non-departmental meetings, conferences, and conventions sponsored by professional organizations including "bona fide associations" as defined by the DPA.

- Meetings, conferences, and conventions sponsored by professional organizations are to provide opportunities for general professional development.
- Meetings, conferences, and conventions sponsored by "employee organizations" are excluded from these guidelines per GC 3525.

#### **Request and Approval**

To achieve consistency and provide guidelines for attendance at the meetings, conferences, and conventions of professional organizations in California, each Deputy Director or Assistant Director is responsible for screening and submitting all non-departmental conference requests to the appropriate Chief Deputy Director for final review and approval.

- Programs involving partisan political speeches or activities or employee organization functions are not eligible for consideration.

#### **Maximum of Ten**

Normally CDC shall not send more than ten people to individual non-departmental meetings, conferences, and conventions. Attendance by more than ten people shall require separate approval by the appropriate Chief Deputy Director.

#### **Upon Approval**

Upon approval, a copy of the approval shall be sent by the requesting Deputy Director, Assistant Director, or designee to the Accounting Services Section in headquarters.

**Note:** This procedure applies only to headquarters and P&CSD staff.

- Additional employees participating in a nondepartmental meeting, conference, or convention program as speakers or panel members may be granted time and expenses as required, determined by the duration of their participation. Such expenses shall be paid from local travel budgets.

#### **Attendance Without Reimbursement**

If the request is to attend a non-departmental meeting without the sponsorship of CDC, the following guidelines apply:

- The attending employee shall pay all expenses including travel, per diem, and registration costs.
- The attending employee shall use vacation or other accrued time off, such as compensatory time off, holiday, etc.
- The employee's attendance at the meeting, conference, or convention shall not result in any cost to the State or create a burden on CDC operations.

#### **Training Credit**

An employee who attends formal training workshops at a conference or convention may request training credit. This credit can be applied toward the 40-hour annual training requirement that each employee is expected to complete.

#### **How to Apply**

In order to receive this credit after attending such an event, the employee must send the IST Manager or Regional Training Coordinator verification of attendance and a copy of the conference agenda detailing the workshops to be considered for credit.

#### **Type of Credit**

Only career-related out-service training credit may be granted.

#### **Amount of Credit**

Credit will be granted on an hour-for-hour basis, not to exceed a maximum of eight hours per year, per employee.

#### **Reimbursement Not Allowed**

The granting of training credit does not entitle an employee any reimbursement of expenses for attending a conference or convention. If an employee has been approved to attend on State time at State expense, no training funds may be used to cover the approved costs.

### Restriction on Granting Credit

Training credits may not be granted for meetings, conferences, or conventions of "employee organizations" as stipulated in GC 3525.

### Need Prior Written Approval (100 Miles)

Prior written approval shall be obtained from YACA when 10 or more employees are required to travel more than 100 miles from their headquarters in order to participate in a meeting, conference, or convention not sponsored by the State.

- This policy applies whether or not such a meeting, conference, or convention is paid in total or in part by State or federal funds.

### 60 Days Prior

A YACA Form 83-9-1 shall be prepared for the signature of the appropriate Chief Deputy Director and submitted to YACA 60 days prior to the date of the event by the requesting Deputy Director or Assistant Director.

### 12020.8 Meetings, Conferences, and Conventions Outside the State

To attend an out-of-state meeting, conference, or convention not already in the approved out-of-state travel blanket, all requests for attendance shall be submitted through the appropriate Deputy Director or Assistant Director at least 90 days prior to the date of the event. The request (by memorandum) shall include:

- The name of the meeting, conference, or convention.
- Location.
- Date(s).
- Costs.
- A copy of the agenda.
- A justification describing the benefit to the State and the consequences of not attending.
- An assurance that participation shall not interfere with service to the public or operation of CDC's programs.

The memorandum shall have an approved/disapproved signature block for the Deputy Director or Assistant Director.

### Final Approval

Upon initial approval, the request shall be forwarded to Accounting Services Section for verification of funds. Accounting Services Section shall obtain final approval from the appropriate Chief Deputy Director and notify the appropriate staff. Any additional required approval shall be obtained by Accounting Services Section.

### 12020.9 Recruitment Activity at Conferences and Conventions

The CDC facility located in the geographic area of the conference or convention shall coordinate the placement of a CDC recruitment booth at that conference or convention. Other CDC facilities or divisions interested in participating in staffing the recruitment booth may do so by contacting the responsible recruitment coordinator.

### Limit of Booths

Normally, there shall be no more than one CDC booth per conference or convention. But if the departmental recruitment manager concurs that a large number of applicants are anticipated for classifications being recruited, another booth and additional staff may be requested.

- The booths shall be placed side by side.
- No more than four recruiters shall be used to staff a booth.
- The recruiters shall not be conference and convention attendees or participants.
- The recruiters' function shall expressly be to staff the booth and respond to employment inquiries.
- The recruiters shall not need to be included in the conference and convention approval process.

### Use of Booths

Recruitment booths shall only be used at those conferences or conventions in which it is reasonable to expect applicants. The appropriate staff shall also be used (i.e., sworn staff used in recruiting peace officers and medical staff used in recruiting medical professionals). The decision to send a recruitment booth team to the annual conferences and conventions of the following groups shall be made by the departmental recruitment manager:

- Asian State Employees Association.

- Association of Black Correctional Workers.
- Black Advocates in State Service.
- CAFE de California.
- Chicano Correctional Workers Association.
- Filipino American State Employees Association.
- Latino Peace Officers Association.
- Mexican American Correctional Association.
- Mexican American Political Association.
- United Black Correctional Workers.

**Note:** At these conferences and conventions, an advertisement in the conference or convention program shall be the extent of our recruitment participation unless it is determined to be in CDC's best interest to also use a booth. Should it be determined that a booth is needed, the responsible facility shall be advised and shall coordinate its placement and staffing.

### 12020.10 Revisions

The Assistant Director, OOC, or designee is responsible for ensuring that the contents of this section are kept current and accurate.

### 12020.11 References

SAM §§ 0731, 0732, and 0733.

GC § 3525.

DPA Rule 599.866.

## ARTICLE 8 — CORRESPONDENCE

*Revised July 19, 1995*

### 12030.1 Policy

Employees shall prepare written correspondence in accordance with the provisions of the Secretarial Handbook.

### 12030.2 Purpose

This section establishes guidelines for preparing the following types of correspondence:

- Administrative reports.
- Correspondence on behalf of the BPT or NAEA. Correspondence from the Department to BPT or NAEA.
- Inmate correspondence.

### 12030.3 Preparing Correspondence

Employees shall properly prepare correspondence and shall follow these general requirements:

- All incoming correspondence shall be answered promptly. Employees who cannot promptly answer correspondence shall acknowledge that they have received it and offer an estimated date for a complete reply.
- All prepared correspondence shall be proofread before being forwarded for approval/signature.

Each outgoing article of correspondence sent by staff from a State correctional facility shall be clearly labeled or stamped with the words State correctional facility on the face of the envelope or package. For the purposes of this section only, a State correctional facility also includes the Community Correctional Centers, Community Prison Mother Program facilities, Restitution Center, and Work Furlough Facilities. See DOM 54010.27 for additional details.

### 12030.4 Administrative Reports

Employees who assign an administrative report shall:

- Explain the project in detail to the designated employee, giving all available information.
- Suggest any known references.
- Carefully outline the scope of the project.

The employee to whom the report is assigned shall:

- Perform necessary research.
- Formulate a tentative plan or solution.
- Check the tentative plan or solution with the affected person and report their concurrences and disagreements in the recommendations section of the report.

The Report.

The report shall:

- Be prepared on a CDC Form 1617, State of California Memorandum, if a short report. If a lengthy report, the report shall be prepared on plain, white paper and transmitted with a CDC Form 1617 as a cover sheet.



- Be addressed to the employee who gave the assignment.
- Contain date and subject lines.
- Contain an introductory paragraph including a brief statement about the assignment.
- Contain a brief statement of recommendation(s), each followed by a justification.
- Fiscal or legislative implications shall appear in the recommendation and shall be elaborated on in the reasons for the recommendation.
- Documents needed to support the recommendation(s) shall be attached as appendices or exhibits.
- Any forms or directives needed to implement the recommendation(s) shall be attached.

The employee shall submit the completed project to their immediate supervisor for forwarding through administrative channels.

The employee who assigned the report shall notify the employee completing the report of the results.

#### **12030.5 Correspondence Addressed to the BPT or NAEA**

Facilities may receive correspondence addressed to the BPT or the NAEA requesting information. Employees shall:

- Answer such correspondence using the appropriate paroling board letterhead if the correspondence regards individual parolees/releasees.
- Include the signature line of the board countersigned by the C&PR of the facility, followed by the name, address, and public telephone number of the facility.

Employees shall forward correspondence addressed to facilities concerning policies and functions of a paroling board to the appropriate paroling board for reply.

Correspondence regarding term-fixing or parole-granting functions of a paroling board received at a facility but which is not addressed to paroling board officials shall be forwarded to the C&PR for reply.

Associate Wardens in charge of reception centers shall sign responses to correspondence addressed to a paroling board but concerning inmates in reception centers. If the request for information concerns the board's actions or functions, the appropriate paroling board letterhead shall be used. The name, address, and public telephone number of the facility where the reception center is located shall follow the signature block.

#### **12030.6 Paroling Boards**

Wardens and designated employees within facilities or Headquarters shall communicate with the appropriate paroling board (BPT or the NAEA) regarding scheduling or other problems.

Proposed changes in policy, procedure, or practice of the Department which may affect a paroling board's operations shall be coordinated by the following liaison persons:

<b>Paroling Board</b>	<b>Institutions Division</b>	<b>P&amp;CSD</b>
BPT	Regional Administrator, Central/Operations	PA, Operations
NAEA	Regional Administrator, South/Programs	PA, Operations

#### **12030.7 Inmate Correspondence**

Employees may use form letters to respond to inmate correspondence. However, each letter shall be individually typed or printed, not photocopied.

Facilities/ Parole Regions

Appropriate facility and parole region employees shall respond on CDC Form 1617 to incoming correspondence from inmates. Correspondence received from external persons regarding inmates that has been addressed to or referred to their facility, shall be responded to using official Department letterhead.

All employees shall forward correspondence as follows:

<b>IF</b>	<b>THEN</b>
Inmate has been transferred or paroled.	Forward to appropriate facility or parole region.

Inmate has been discharged.

Departmental identification number is known (CDC number).

CDC number is known.

Forward by route slip to the Archives Unit, CMF for reply.

Use OBIS terminal to determine current location and status, and forward to the appropriate facility, parole region, or Archives Unit for reply.

Forward to the Identification not and Warrants Unit Headquarters, which shall identify and route to the appropriate facility, parole region, or Archives Unit for reply.

A copy of the reply shall be sent to the appropriate Warden or parole region for inclusion in the inmate's C-File.

Headquarters

Headquarters' replies to correspondence from inmates or regarding inmates shall be prepared on letterhead stationery.

Headquarters employees shall adhere to established due dates (if attached) set by the Business Services Correspondence Control Unit (BSCCU) when responding to correspondence from or regarding inmates. If no due date has been attached, the employee shall respond within 15 working days. A file copy of the reply shall be sent to the inmate's C-File.

If the correspondence was forwarded from BSCCU, the attached CDC Form 972, Correspondence Referral Cover Sheet, shall be returned to the Unit with an indication of the date the response was mailed.

#### **12030.8 BSCCU**

Correspondence received at Headquarters is reviewed first by the BSCCU. The BSCCU determines what correspondence will be controlled. Correspondence deemed necessary to control shall be handled as outlined in the DOM 12030.9 of this manual.

The following types of correspondence are not usually controlled by the BSCCU and shall be forwarded as shown:

<b>Type of Correspondence</b>	<b>Forwarded to</b>
Routine correspondence from facilities or parole regions	Mailroom
Correspondence marked "Confidential" or "Private"	Mailroom
Inmate appeal correspondence	Inmate Appeals Branch

#### **12030.9 Controlled Correspondence**

The BSCCU divides correspondence it controls into two categories-large and small actions.

Large actions include:

- Governor's Office transmittals.
- Legislative correspondence.
- Correspondence from Directors of other State departments.

Small actions are any other correspondence received by BSCCU that requires a reply from the Department.

The BSCCU assigns due dates to large actions as follows:

- Governor's Office transmittals.
  - Two days before any given due date by the Governor's Office or YACA.
  - Five working days for as-soon-as-possible (ASAP) requests.
  - Ten working days if no due date is requested.

No extensions shall be allowed on Governor's Office transmittals.

- Legislative correspondence and correspondence from other Directors.
  - Two days before any requested due date--no extensions.
  - Five working days for ASAP requests--no extensions.
  - Ten working days if no due date is requested--an extension of up to three working days provided the request is made on or before the due date.

The BSCCU assigns due dates to small actions as follows:

- Two days before given due date (providing the due date is reasonable). No extensions shall be given if a reasonable due date has been requested.

- Fifteen working days for correspondence without a requested due date. An extension of up to five days may be given if requested on or before the due date.

The BSCCU shall:

- Handle Governor's Office transmittals by logging the date received, the information received, and the unit assigned.
- Assign the correspondence or Governor's Office transmittal to the appropriate Deputy Director or Assistant Deputy Director for response.
- Staple the CDC Form 972 to the incoming correspondence.
- Establish the due date and the date of referral on the CDC Form 972.
- Provide Chief Deputy Directors and Director with a weekly listing of overdue controlled correspondence.

#### **12030.10 Revisions**

The Assistant Director, OOC, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

#### **12030.11 References**

SAM § 1641.11.

GC §§ 7525 and 7526.

Secretarial Handbook.

DOM § 54010.

### **ARTICLE 9 — UNASSIGNED**

### **ARTICLE 10 — STATE BUSINESS MAIL**

*Revised March 6, 1995*

#### **12050.1 Policy**

An effective and efficient flow of written communication shall be maintained throughout Headquarters, institutions, and the parole division.

#### **12050.2 Purpose**

This section outlines specific requirements for sending and receiving departmental mail throughout the various divisions within the Department. In addition, it outlines steps to be taken to obtain reproduction services for departmental written material.

#### **12050.3 Mail Distribution (Headquarters)**

The mailroom messengers deliver the mail to each office two times daily as follows:

- Headquarters - 10:00 a.m. and 2:00 p.m..
- Other Sacramento buildings except Region I Headquarters and Parole field offices - 10:30 a.m. and 2:45 p.m..

Outgoing mail is picked up at the same time the mail is delivered.

There are two scheduled mail runs daily between the YACA and the Department at 10:30 a.m. and 2:30 p.m.

A mail tray is available in The Director reception area for mail to the YACA.

#### **Interagency Mail Service (IMS)**

Interagency mail to be sent to other state departments or facilities throughout the Sacramento area shall be placed in messenger service envelopes. On the envelope the following items shall be placed:

- IMS code number.
  - The use of the code number expedites delivery of mail to state departments, as interagency mail is sorted by these numbers.
- Name of department.
- Name of the person or position title.
- Address (or building).
- Room number (or floor).

This mail is collected on regular departmental mail runs and picked up by IMS at approximately 10:00 a.m. daily. Mail addressed to any location not on the current "IMS Listing of Locations" shall not be delivered by IMS.

Correspondence shall be properly addressed and routed directly to the mailroom from all Headquarters locations within the Sacramento area as all departmental mail is sent out directly from the mailroom. The

mailroom uses pre-labeled envelopes for sending routine correspondence; however, large envelopes in excess of 10" x 12" and all packages too large for consolidated mailing shall be packaged and labeled by the sending unit.

All mail sent to the institutions (with a route slip attached or in an envelope) shall be combined in the mailroom into a bulk rate, first class envelope unless otherwise specified.

#### **Processing Deadline**

Mail received in the mailroom after 4:00 p.m. is processed the following day unless it is classified as an "expedite." Expedite mail shall be accommodated based on mail deadlines set by the Department's private contract carrier and/or the USPS.

#### **Express Mail**

Express mail shall only be used when it is imperative that delivery be made the following day. The express mail carrier that is specified in the current statewide master service agreement shall be used for mail between locations subject to the master service agreement. For telephone or FAX use refer to DOM 12070.

#### **Personal Mail**

Mailroom personnel shall pick up personal mail for Headquarters employees during their daily scheduled mail runs. However, this pertains to envelopes and small packages only. Large personal packages and large bulk quantities, such as Christmas mail, shall not be handled by the mailroom. All personal mail shall have proper postage and address ready for delivery. The mailroom does not stock nor sell postage stamps and shall not meter personal mail.

#### **USPS Delivery**

Outgoing mail is delivered once daily to the USPS, 801 I Street, at approximately 4:20 p.m.

#### **Re-Use of Envelopes**

For distribution purposes, whenever possible, all sizes of clasp-type manila envelopes shall be saved for re-use if the envelope has not been sealed with tape or damaged.

#### **12050.4 Institutional Mail (Employee)**

Institution mailroom supervisors shall ensure timely processing and delivery of employee mail on a daily basis.

All intra-institutional mail shall be processed through the mailroom. Inmates shall not be used for delivery of mail. All inter-institutional mail and correspondence with the public shall be handled by the USPS by the institution mailrooms.

Institutions shall also restrict the use of express mail in accordance with the provisions of DOM 12050.3.

Mailrooms shall not meter personal mail.

Employees who have business or private letters which will be mailed by institutional mailrooms shall deliver their mail to the mailroom in person or shall place their title or rank with the return address on the outside of the envelope. Use of institution business mailing address for personal mail, however, is discouraged.

Inmate mail is addressed in DOM 54010 of this manual.

#### **12050.5 Mail Distribution P&CSD**

All inter-office mail for the P&CSD shall be handled by the USPS or contract courier service.

The restrictions in DOM 12050.3 apply to use of express mail service.

#### **12050.6 Route Slip Usage**

Various forms designated as route slips are used within the Department for distribution purposes. These forms may be obtained by ordering from supply. A partial list is:

- Message (STD. Form 7).
- Headquarters Route Slip (CDC Form 27).
- Institution Route Slip (CDC Form 29).
- Messenger Route Slip (CDC Form 832).
- P&CSD Route Slip (CDC Form 271-B).

#### **12050.7 Referral Memorandum (CDC Form 982)**

This form, which is often called a "blue referral", is used to forward any type of written communication that requires an action on the part of the recipient (e.g., letters, memorandums, bulletins, manual revisions, reports, etc.) through administrative channels.

Addressees' position or name shall be placed on the line that immediately follows each number. After receipt, addressees shall initial next to their name or position and add the date signed.

- See DOM 12010 of this manual for the routing of policy directives (e.g., bulletins and manual revisions).
- See DOM 12030 of this manual for the routing of correspondence to the Director and Chief Deputy Director.

**12050.8 Incident Reports**

Per DOM 51030, two copies of all incident reports occurring in the institutions are sent to Headquarters (three copies in event of an assault resulting in death).

The incident reports are distributed by the Institutions Division:

- One copy is routed to OISB for entry of necessary data into computerized database maintained by OISB. This copy is then forwarded to archives.
- The second copy is reviewed by the staff of Institutions Division, who route a copy to other Headquarters staff depending on the type of incident.

**12050.9 Institutional Staff Meeting Minutes**

Per DOM 31120, various staff meeting minutes are routed to Headquarters for informational purposes. Three copies are mailed to Headquarters to the following:

Type of Meeting	Mailed to
Warden	Deputy Director Institutions Division
Associate Warden Business Services	Deputy Director Administrative Services Division
Program Services Staff	Deputy Director Institutions Division
Prison Industry's Staff	General Manager PIA
Medical and Psychiatric Staff	Assistant Deputy Director HCSD
Trade Advisory Committees (TAC)	Chief, Education and Inmate Program Services

The LAD-PMU, Headquarters, maintains one copy of institution staff meeting minutes.

**12050.10 Reproduction**

Reproduction (other than forms) for institutions and parole units shall be accomplished using local office copiers and/or vocational/industrial printing programs. Large reproduction needs which cannot be handled by the above shall be met by submitting requests directly to the Office of State Publishing (OSP).

All material to be reproduced (other than forms) for Headquarters units shall be submitted to the departmental reproduction center, with a completed STD. Form 51, Reproduction Order.

All material being submitted shall be ready to be reproduced (i.e., no staples, removed from binders, separated from material not being reproduced).

State owned copying and duplicating equipment shall not be used for other than official state business.

**12050.10.1 Departmental Reproduction Center Capability**

The departmental reproduction center is capable of providing the following services:

- One-sided or two-sided copies.
- Copies from originals using paper of weights ranging from 16 pounds to 110 pounds, (i.e., letterhead to cover stock) and from pasted or taped originals.
- Reduction from originals as large as 11" x 17."
- Copies of continuous computer forms.
- Stapling (a maximum of 100 pages) and arranging in sequence (collating).
- Duplication of manuals, reports, etc., as long as the originals provided do not have book binding and are not copyrighted.

All reports of more than one page shall be duplicated on both sides of the paper. This reduces the bulk in handling, mailing, and filing.

**12050.10.2 Completion Schedules**

All jobs shall be completed within five working days. Expedite jobs shall be delivered to, and approved by, the reproduction center supervisor. Very large jobs needing to go to OSP may require additional days.

**12050.10.3 Quantity Limits**

The number of copies to be made from each original determines where the copies shall be made as follows:

No. of Copies Per Original	Equipment
20 copies or less	Office or floor copiers
21 to 350 copies	Departmental Reproduction Center
Over 350 copies	OSP

**12050.10.4 Mass Mail Orders**

All reproduction orders that shall be mass mailed by OSP shall be submitted to the reproduction center supervisor with a completed STD. Form 50.

**12050.11 Revisions**

The Deputy Director, Administrative Services, or designee shall ensure that the contents of this section are accurate and current.

**12050.12 References**

SAM §§ 2200 and 2800.

**12050.13 Forms**

STD Form 7, Route Slip.

CDC Form 27, Headquarters Route Slip.

CDC Form 29, Institution Route Slip.

CDC Form 832, Messenger Route Slip.

CDC Form 271-B, P&CSD Route Slip.

CDC Form 982, Referral Memorandum.

STD Form 51, Reproduction Order.

STD Form 50, Mass Mailing.

**ARTICLE 11 — PUBLICATIONS**

*Revised March 14, 1995*

**12060.1 Policy**

The United States (U.S.) Copyright Act establishes requirements for publication and reproduction of published material. The Director requires adherence to the Copyright Act in preparing manuals, booklets, leaflets, and other written material.

**12060.2 Purpose**

This section provides guidelines for the printing or reprinting of local procedures, manuals, and other written material to avoid copyright infringement and expense of litigation against the Department and to ensure that their content is consistent with departmental goals and objectives.

**12060.3 Publications Written By Employees**

Any manual, leaflet, book, newsletter, or other publication on a subject related to the Department which would normally qualify as a public record and involve distribution to staff, organizations outside the Department, Legislature, general public, news, media, and/or for submission to an outside professional journal/paper shall require review by the Assistant Director, Communications, and approval in writing by the Director prior to submission, issuance, or distribution.

Any such articles written by employees for submission to professional journals or other outside publications shall be forwarded through administrative channels to the Assistant Director, Communications, who may request comments from interested Deputy or Assistant Directors before the article is forwarded to the Chief Deputy Director.

When any employee prepares a manual, book, leaflet, newsletter, or other publication as part of the employee's official duties, the employee may obtain a copyright on such publication at the employee's own expense. However, that copyright shall be deemed to be held in trust for the Department, as the works copyrighted shall directly or indirectly have pertinence to the Department.

See DOM 14020 for the publication of research reports and findings.

**12060.4 Production of Publications in the Facility Print Shops**

Publications for public distribution may be produced in a vocational graphic arts print shop, but only with the prior approval of the Director. Publication of a sensitive nature (based on the IPA) shall **not** be produced in the PIA or Vocational Education print shops as it would allow inmates access to such material.

**Public Distribution**

"Public distribution" means documents that qualify under the Public Record Act, GC 6250 for distribution to the public, exceptions are specified within the Act but generally do not include the types of materials included in this Section. Publications for public use will be printed by OSP, PIA, facility vocational education or commercial printer with approval from the Director or designee. These publications may include the annual report of the Department.

### Local Materials

Booklets and other written material (i.e., IST pamphlet, newsletter, etc.) reviewed by the Assistant Director, Communications, and approved by the Director may be produced within the facility, utilizing the facility vocational graphic arts print shops, and distributed locally upon written approval of the Warden. A copy of this approval shall be forwarded to the Assistant Director, Communications, for filing with the PMU at headquarters.

The vocational graphic arts print shops may print or reprint local procedures and the various IST manuals.

### Funds

Funds for the printing expenses must be available prior to the production of such books, reports, leaflets, or documents in the vocational graphic arts print shops of the facilities or by OSP, DGS, and PIA or a commercial printer.

Prior to the submission of any copy to the vocational graphic arts print shop, the provisions of DOM 22040 shall be followed.

### 12060.5 Depository Libraries

Publications produced by Department or at the State Printing Plant shall be sent to each complete depository library in the State.

- Depository libraries are those libraries that apply to contract with the State, through DGS, to maintain all State publications.

SAM 3122.2 et seq., address the distribution of publications outside the Department.

Copies of the CCR are sent to depository libraries by OSP.

### 12060.6 U.S. Copyright Act

#### Rights of Copyright Owner

In the reprinting of copyrighted articles, or duplication of copyrighted films, video, or audio tape recordings, careful review and caution shall be exercised to protect the State and this Department from censure or civil suit. The U.S. Copyright Act states precisely which uses or rights are reserved exclusively to the copyright owner. Employees using or reprinting copyright materials shall have specific knowledge of copyright laws.

#### Exclusive Rights

The Copyright Act gives to the copyright owner of books, periodicals, and all related contributions, the following exclusive rights:

- To print and reprint. To print is not only to print in type but also to multigraph, write, duplicate on video or audiotape, film, or reproduce by any other means.
- To publish. To publish means to reproduce in copies for sale or distribution to staff, inmates, parolees, or the public.
- To copy. To copy includes any wholesale rewriting of the material, whether literal copying or not, and is not confined to literal repetition but includes various methods in which the matter of any publication may be adopted, initiated, or transferred with more or less colorable alteration.
- To vend. To vend refers to the control by the copyright owner not only of the first sale but also of leases, licenses, and assignments.
- To translate or make other versions.
- To deliver or present in public for profit.
- To make any transcription or record by which it can be exhibited, presented, or reproduced.
- To play or perform it for profit, and to exhibit, represent, or reproduce it in any manner or any method whatsoever.

#### Permission

Permission in writing shall be obtained in every case where a copyrighted item is reprinted. The original of the permission to copy shall be filed in the requestor's division.

Permission to use copyrighted works must be granted by the copyright owner or the owner's agent. If the copyright has been assigned, the assignee's permission is needed. If it has been licensed, the copyright owner's permission is needed. With joint owners, one will do, but both are better. Approval of requests to use copyrighted material may be delegated to the publisher.

For any extended reprint or quotation, specific rights that are given (i.e., periodical publication, use in a trade or text book, use of material from a specific edition or any other edition, etc.) should be in writing.

For all practical purposes, "copyright" and "all rights reserved" are one and the same.

### 12060.7 Infringement

Magazine articles, short stories, poems, films, videotapes, audiotapes, television programs, motion pictures, computer software, video games and contributions to periodicals, newspapers, are usually copyrighted as part of the magazine, book, periodical, newspaper, video recording, motion picture, television program, computer software, video game, audio recording, if never before published.

Illustrations, cuts, or pictures in a book are protected by the book copyright.

Pictures that are not attached to the binding, but are in a separate pocket or folder, are protected by the book copyright.

News, as such, is not subject to copyright since it is "fact" and therefore belongs to the public but reproduction of articles and television news segments for distribution may infringe on copyrights. Consult with the Assistant Director, Communications, or Deputy Director, LAD, for guidance in advance of such reproduction.

Material that has previously been copyrighted does not lose its copyright by being included in a government publication that is in the public domain.

The copy does not have to be "sold" to be an infringement of the original.

### 12060.8 Use of Material

A distinction must be made between use for libraries and classrooms and by other entities. Copies may be made by libraries and classrooms in the following situations:

#### Libraries and Classrooms

- To repair damaged printed works already contained in the library.
- No copies of video or audio recordings, films, motion pictures, computer software are permitted without the expressed written permission of the copyright holder or possession of a license from the copyright holder for such reproduction.
- To provide a small number of copies for in-house administrative work in the particular agency.
- To provide attorneys and courts with a single copy for use in litigation.
- To provide copies for library or classroom as long as the portion copied is not a substitute for the entire original work.

#### Other Entities and Individuals

For entities other than libraries and classrooms:

- No quotation over 500 words should be used without permission.
- Use of anthologies, compilations, collections, symposia, digests, reprints, etc., should never occur without a notice which acknowledges the copyright status of borrowed material and without the written permission of the copyright owner.
- Use of copyrighted material from periodicals or newspapers should be done only with written permission of the copyright owner.

Quotations or material under foreign copyright should be handled the same as domestic copyrighted items.

Any extensive, typewritten, multi-graphed, or privately printed copy, abridgment, outline, or digest of copyright material for distribution to a school, church, club, or similar group should be made only with the consent of the copyright owner.

#### Department Publications

When copyrighted material is used in a Department publication, each facility, parole region, and division shall forward the printing request, and the original copy of the material to be printed and of the permission to copy to the Assistant Director, Communications, in headquarters.

The Assistant Director, Communications, shall have the original of the permission to copy filed in LAD-PMU.

### 12060.9 Audiovisual Works

The Department will adhere to all copyright requirements related to audiovisual works.

### 12060.10 Employee Association Publications

The provisions of this section shall not stop any association of employees from publishing an association newspaper or other publication. The provisions of DOM 12060.6 apply to Department employees when they contribute articles for association publications. Such publications shall be at the expense of the associations and shall not be prepared or reproduced, in whole or in part, at any facility vocational graphic arts print shop.

### 12060.11 Facility Publications

For further information, readers are referred to DOM 53100, which covers facility publications.

**12060.12 Revisions**

The Assistant Director, Communications, or designee, shall ensure that the content of this section is accurate and current.

**12060.13 References**

17 USC 101 et seq.

GC § 14900 et seq.

SAM § 3122.2 et seq.

**ARTICLE 12 — TELEPHONE, FACSIMILES, AND CELLULAR TYPE****TELEPHONES**

*Revised April 22, 2005*

**12070.1 Policy**

State issued telephones, facsimile (Fax) machines, and cellular type telephones shall be used for Official State Business only except for emergency situations where no other alternatives are available.

**12070.2 Purpose**

The purpose of this Policy is to establish requirements regarding California Department of Corrections and Rehabilitation (CDCR) employee use of State issued telecommunication equipment and outline boundaries and security measures where this equipment is subject to inmate proximity. This Article refers to cellular telephones to include, but is not limited to, cellular, portable, mobile, etc., as cellular type telephones.

**12070.3 Telephone**

Use of any State issued telephones as defined above shall be limited to conducting CDCR business with exceptions for employee's personal calls provided; however, that such use of State telephones shall not incur additional charges to, or interfere with, the operation of the State and requires advance approval by an employee's supervisor.

**12070.4 Responsibility**

Headquarters', Division of Support Services (DSS), Business Management Branch (BMB) is designated as the coordination point for telephone listings. BMB shall ensure that telephone directories are current.

**Communications Representatives**

Communications representatives at the facilities shall review and sign the Standard (STD) Form 20, Telecommunications Service Request, prior to submission to the Department of General Services (DGS) or service provider. For all other operations, BMB shall serve as the communications representative.

**Supervisors**

Supervisors shall inform employees of expectations and requirements regarding the use of all State issued telephones and shall monitor the use of them. This includes, but is not limited to:

- Ensuring appropriate use of all State issued telephones.
- Determining when permission may be granted for an employee to make a personal call on any State issued telephone.
- Reviewing toll calls made by employees under their supervision (checking for abuses), as requested by Accounting Office personnel, and if deemed appropriate, initiating necessary corrective action, including a recommendation for disciplinary action.
- Arranging for the collection of charges for personal calls made by employees.

**12070.5 Switchboard Placements and Coverage**

Facility switchboards shall be placed in the control room or other location affording protection from the inmate population. Employees assigned to a particular shift, other than regular business hours and trained in the operation of the switchboard, shall provide coverage of the switchboard. A separate telephone operator shall be provided during regular business hours.

**12070.6 Inmate Access to all State Issued Telephones**

Safeguards shall be implemented to ensure that inmates do not have access to any State issued telephones with the capability of placing/receiving outside calls. These safeguards may include, but are not limited to:

- Locking rooms that contain telephones.
- Using locking devices on telephones.

- Unplugging telephones and removing them from inmate accessed locations.
- Disconnecting telephone extensions from switchboards.

State maintained facility telephone lines that have outside capabilities and which are accessible to inmates (to include residences on facility grounds) shall pass through facility switchboards.

- Switchboard operators shall ensure that a State employee is answering at a given location by requesting name identification.
- Inmates shall be required to answer a phone by saying, "inmate (name)."

**12070.7 Emergency Lines (Facility)**

Wardens residing on facility grounds shall be provided with private direct dial telephone systems for emergency use.

**12070.8 Emergency Lines (Camp)**

Based on the necessity for immediate availability of correctional employees in charge of camps, telephone service shall be provided to those camp lieutenants residing in State housing on the grounds. The cost of this telephone service shall be paid by the parent facility.

The employees shall pay any expenses of personal telephone calls made from their residences to the parent facility.

**12070.9 Private Telephone Lines**

Employees who live on facility/camp grounds shall make their own arrangements for personal telephone service directly with the telephone company. This service shall not pass through facility/camp switchboards.

At several facilities there are residence phones that are tied to an inside-the-prison (nonpublic) telephone system. Existing systems shall continue to be used, but those systems shall not be expanded to include additional residences.

**12070.10 Modification**

Facilities primarily own and operate their own telephone systems; however, some facilities may contract for certain telephone related services through local telephone companies. Any major modifications affecting the services rendered by telephone companies shall be submitted to the Telecommunications Division, DGS, through the facility business manager. Modifications to CDCR owned systems are not subject to the above.

**12070.11 Telephone Credit Cards**

Telephone credit cards shall be issued to supervisors and managers and used in lieu of third party or collect telephone calls when possible.

Telephone credit cards shall not be issued to staff except on a "need" basis with approval of the employee's Branch Chief (headquarters employees) or facility business manager (for facility employees). Facilities shall obtain credit cards from their local telephone companies.

Parole field agents, based upon the nature of their duties, shall be issued credit cards upon the approval of their unit supervisor.

**12070.12 Telephone Listings**

The headquarters' telephone directory shall be updated on a regular basis by the BMB.

Off site headquarters' buildings, facilities, and parole offices shall maintain separate telephone/employee information rosters. All changes, additions, or deletions shall be updated and retained locally.

All revisions to State directories shall be directed to the BMB via respective division heads (or designees) for approval and transmittal to the Telecommunications Division, DGS, or the telephone company concerned.

The Telecommunications Division, DGS, submits periodic revisions to the CDCR telephone listing coordinator for current updates of State telephone directories. Changes shall be forwarded to the facility or division's communications representative for review and returned to the BMB with appropriate changes.

**12070.13 Personal Use of Telephone**

When economically feasible for the local telephone company, pay telephones shall be made available for use by State employees and other persons who may need to make a personal call from CDCR facilities.

**Personal long distance calls**

Personal long distance calls shall not be made from State issued telephones (with or without telephone credit card issued by CDCR) unless:

- An employee's supervisor has authorized the call.
- Arrangements have been made for the call to be either:
  - Billed to the caller's home telephone.
  - Placed collect.

**Personal local calls**

Personal local calls shall be made:

- During breaks or lunch periods.

- Never on State issued cellular, portable, and/or mobile telephones, except in emergencies outlined below.

#### **Emergency phone calls**

Emergency phone calls shall be made when no other alternatives are available. If the emergency is of a personal nature, the employee shall reimburse the State. If the emergency is not personal and the employee uses their own telephone, the employees can be reimbursed using a travel claim.

#### **12070.14 Privacy of Authorized Calls**

Authorized personal phone calls by an employee shall not be monitored or recorded.

The wiretapping or monitoring of authorized/unauthorized personal calls, confidential or not, by CDCR employees over CDCR or State telephone systems is prohibited except as authorized by an order of a court having jurisdiction over the institution, facility, or office, and obtained under Penal Code (PC) Section 629.50 et seq., or as authorized under PC 633. These exceptions apply only to the investigation of cases involving criminal conduct by employees and/or inmates. In all cases where CDCR investigators request court orders under PC 629.50 et seq., or through local law enforcement involvement under PC 633, the Deputy Director, Law Enforcement and Investigations Unit will first be notified.

Wiretapping or monitoring of employee telephone calls in cases involving administrative violations is prohibited.

#### **12070.15 Telephone Etiquette**

When answering the telephone, certain rules of etiquette shall prevail as follows:

- Arrangements shall be made for staff to answer the telephone at all times during working hour (Monday – Friday, 8:00 a.m. – 5:00 p.m.). In noncustody environments, use of voice message systems may be used sparingly in absence of staff and ensuring all messages are responded to in a timely manner.
- Staff answering the telephone shall clearly identify themselves and the office in which they are working. Staff shall be courteous and tactful.
- If staff cannot assist the caller, they shall refer the caller to a knowledgeable source.
- Supervisors and/or staff shall keep employees who answer their telephones informed as to their whereabouts and/or approximate time of return.
- If the supervisors and/or staff requested are unavailable, the caller shall be asked if they wish to leave a message or be transferred to the employee's voice mail (if appropriate).
- Telephone messages shall be accurately recorded on STD Form 7, Message Transmittal.
- If supervisors or their staff want to know who is calling prior to accepting a call, the employee answering the phone shall ask who is calling in a polite manner.
- If it is necessary to place a caller on hold, let the caller know that this is being done. The caller should not be kept on hold for an extensive length of time. Check with the caller periodically to assure the caller that they have not been forgotten.

Office and facility directions should contain instructions for placing long distance calls, conference calls, and other services depending upon the system used.

#### **12070.16 Transfer of Calls**

If a party is calling from an outside number, the call may be transferred. Before transferring a call, the calling party should be informed of the number to which the call is being transferred in the event of disconnection.

#### **12070.17 Facsimile**

Numerous fax machines are located throughout the CDCR for transmitting urgent information between field locations and headquarters. These include, but are not limited to:

- Transmissions of all serious Incident Reports.
- Sending and responding to requests for emergency/urgent information needed by headquarters and/or facilities.
- Economic transmission of information.

#### **General Information**

Because of the nature of operations, the use of Signature stamps by officials and employees in the performance of official duties is prohibited in all facilities of CDCR when transmitting via fax. In order to reduce multiple signing requirements on the part of key personnel, assistants may be extended the authority to sign in their behalf.

Regional parole offices shall transmit emergency incident reports and other urgent information to the fax machine located in the Division of Adult Parole Operations, headquarters.

Incident reports received by the Division of Adult Institutions, Identification and Warrants Unit, shall be delivered to the appropriate employees.

The fax machines shall not be used as a substitute for the mail system unless economically feasible. Monthly reports, operational procedures, and general informational items shall not be transmitted unless specifically requested by a Deputy Director or Associate Director.

- Facilities: Fax machines shall be housed in a secure area, accessible only to staff.
- Regional parole offices and field offices: Fax machines in these locations shall be housed in a secure area, accessible only to staff.

As with telephones and other equipment, fax machines are to be used for official CDCR business only.

#### **12070.18 State Issued Cellular (Portable, Mobile, etc.) Type Telephones**

The following outlines classifications/titles and functions that have been designated for assignment of cellular telephones at management discretion:

- Secretary
- Undersecretary
- Executive Director
- Assistant Secretaries
- Chief Deputy Secretaries
- Directors
- Chief Deputy Director
- Regional Administrators
- Parole Regional Administrators
- Ombudsmen
- Chief Medical Officers
- All Case Carrying Parole Agents
- Special Agents
- Wardens
- Chief Deputy Wardens
- Associate Wardens
- Correctional Administrators
- Health Care Managers
- Crisis Response Team Commander
- Tactical Leader
- Negotiation Leader
- Units with staff involved in the transport of inmates and those units that are required to work at locations where there are no communication devices available.
- Staff who are required to travel outside of their office and/or outside of normal business hours. The cellular telephones will be assigned to each unit rather than an individual. The units will assign cellular telephones to individuals on an as need basis.

All requests for purchases of new cellular telephones outside of this policy require the written approval of the appropriate, Director, Deputy Director, Associate Director, or Warden or Chief Deputy Warden.

There will be no personal cellular type telephones, Personal Digital Assistants (PDA), or other equipment with these capabilities allowed within any institution setting with the exception of a true medical condition approved by the Warden accompanied with a doctor's statement with a beginning and ending date.

If staff chooses to bring the above listed devices into an institution setting without prior approval, they may be subject to disciplinary action. Leave personal cellular type telephones, PDAs, or other equipment with these capabilities at home or in personal vehicles.

### **Purchasing/Replacing a State Issued Cellular (Portable, Mobile, etc.) Telephone**

The Department of General Services has entered into a California Multiple Award Schedules (CMAS) and Western States Contracting Alliance (WSCA) with multiple providers for cellular type telephone equipment and service. For a current list of cellular type telephone equipment and service providers, contact the BMB. Institution staff will need to refer to the CMAS/WSCA for a current list of cellular providers and general terms and conditions.

If a field office/institution is outside of the service areas that the CMAS/WSCA covers, it is permissible to enter into a contract with a local vendor. Contact the Office of Contract Services for information and instructions.

To purchase or replace a cellular type telephone(s), submit a signed BMB Services Request (SR) with a completed Intra-Office Requisition, CDC Form 954, to BMB, signed by a Staff Services Manager III or above, or designee. Institution staff will need to submit the completed CDC 954 to their respective Business Services Office. All information will need to be included on the CDC 954. A rate plan guide will be provided by BMB upon request to the divisions/offices/regions telecommunications contact. Each Institution Business Services Office can request a rate plan guide directly from contracted service providers.

If a cellular type telephone is inoperable or obsolete and is no longer used, staff must notify BMB using a SR to have the service discontinued so that there are no further charges. Institution staff will need to contact their Business Services Office for direction. Cellular telephones must be surveyed out by completing a Request for Disposition of Equipment or Furniture (STD 152) form. Send the completed request along with the inoperable/obsolete cellular telephone(s) to BMB. Institution staff will need to submit their completed request to the Business Services Office.

### **Lost, Stolen, or Destroyed Property Equipment**

If a cellular type telephone is lost, stolen, or damaged, the employee must notify BMB or the Business Services Office at the Institution to have the service discontinued so that there will be no further charges. Lost, stolen, or damaged cellular type telephones must be surveyed by completing a STD 152 form.

The State Administrative Manual (SAM) Section 8643 states: "Whenever property is lost, stolen, or destroyed, departments will prepare a STD 152 form. The department will adjust its property accounting records and retain the Property Survey Report as documentation." The report will contain: "(1) A description of the events; (2) Precautions to be taken to prevent repeat situations; and (3) A statement that the California Highway Patrol (CHP) has been notified. Losses of State Property due to fraud or embezzlement will be reported to Department of Finance, Office of State Audits and Evaluations and the Bureau of State Audits. See SAM Section 20060. Employees may be charged for any loss and damages to State Property due to negligence or unauthorized use."

It is at the discretion of the Hiring Authority for each Division/Parole Region to determine if an employee will be required to reimburse the State (CDCR) for the cost of replacement equipment.

### **Purchasing of Accessories**

It is prohibited to purchase any accessories outside of the normal purchasing process. (DOM 22030.3 "No employee shall commit to a vendor for the purchase of merchandise or services prior to receiving approval and the preparation of a purchase document.") Purchases are not to be made through a local vendor and charged against cellular telephone accounts. Any purchases obtained by this means are subject to being charged back to the employee.

### **Issuance and Tracking of Cellular Type Telephones**

When a cellular type telephone is purchased and received, BMB or the Institution Business Services Office will place a property tag on the cellular telephone to track as sensitive equipment. The cellular type telephone will be activated and assigned to the appropriate division/office/region/institution.

BMB or the Business Services Office at the Institution will track the assignment of cellular type telephones by maintaining a tracking log. Cellular type telephone service charges are billed monthly directly to the respective division/office/region/institution.

### **Changing Rate Plans**

To change a rate plan, contact BMB by telephone or e-mail. A division/office/region can request the most recent rate plans offered by

their service provider. After reviewing the plans and making a selection, the division's/office's/region's liaison must contact the BMB analyst with the new calling plan name(s) and all cellular numbers to be placed under the new plan. Institution staff will need to contact their Business Services Office for directions. Changes to calling plans will only be made once every three months.

### **Changing Service Provider**

Changing service providers involves changing existing equipment, which can be costly and inconvenient. Service providers (i.e., AT&T Wireless or Nextel) will not activate cellular telephones not purchased directly from them. To change providers, submit SR to BMB accompanied by a CDC Form 954 purchasing new cellular telephone(s), accessories, and service provider. Institution staff will need to submit the completed forms to their respective Business Services Office.

### **12070.19 Revisions**

The Director, DSS, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

### **12070.20 References**

State Administrative Manual, Chapter 4500

PC §§ 629.50 et seq., and § 633

State Administrative Manual §§8643 and 20060

## **ARTICLE 13 — PUBLIC/MEDIA INFORMATION**

*Revised June 2, 2009*

### **13010.1 Policy**

Correctional institutions and programs are operated at public expense for the protection of society. The public has a right and a duty to know how such facilities are operated and programs are being conducted. It is the policy of the California Department of Corrections and Rehabilitation (CDCR) to make known to the public, through the media, through contact with public groups and individuals, and by making its public records available for review by interested persons, all relevant information pertaining to operations of the CDCR institutions. However, due consideration will be given to all factors which might threaten the safety of the institution in any way, glamorize crime or individual criminals, or unnecessarily intrude upon the personal privacy of inmates and staff. Wardens/institution heads, Regional Parole Administrators (RPAs), and their designees shall provide for a professional bridge of communication linking the public in a positive manner to the CDCR.

### **13010.2 Purpose**

This Article defines staff responsibilities for relaying information to the public. It specifies who shall make contact with the media, how and when the media may enter facility grounds, and for what purposes.

### **13010.3 Requirements**

The CDCR's Public Information Program attempts to make known to the public all relevant information pertaining to operations of the CDCR. This occurs through the media, through contact with public groups and individuals, and by making its public records available for review by interested persons. The CDCR's public information efforts require an attitude of cooperation and responsiveness in dealing with the media.

The CDCR also has the responsibility to protect the privacy, safety, and other rights of inmates and members of the staff. Furthermore, the CDCR is committed to protecting crime victims from the unnecessary disclosure of information that may traumatize victims, family, and friends or glamorize criminals and their actions. Accordingly, media access to an institution shall be regulated to ensure the orderly and safe operation of that facility.

Further guidance can be obtained from CCR, Title 15, Division 3, Sections 3141, 3170 through 3179, 3260 through 3262, and 3450.

### **13010.4 Designation of Public Information Officers (PIO)**

Each institution and parole region shall designate an appropriate staff member as a Public Information Officer (PIO). The PIO shall coordinate public information and community relations programs. The Press Secretary, Office of Public and Employee Communications (Communications), or designee shall participate in all institution and parole region PIO interviews. Final selection is the responsibility of the Warden/institutional head or RPA with the concurrence of the Assistant Secretary, Communications. Prospective vacancies require written notification to the Assistant Secretary, Communications, via the Director, Division of Adult Institutions (DAI) or the Director, Division of Adult Parole Operations (DAPO), or the Chief Deputy Secretary, Division of Juvenile Justice, as soon as the prospective vacancy is anticipated.

Each institution and parole region shall have a designated staff member on duty or available by telephone to the media at all times. Basic responsibilities include

responding to media inquiries with factual details after consulting with the Administrative Officer of the Day (AOD) or the regular PIO.

Institution PIOs shall be the Warden's/institution head's Administrative Assistant, Correctional Lieutenant, or equivalent non-custody classification. Parole region PIOs shall be the RPA or Deputy RPA. PIOs in juvenile justice facilities shall be nominated by the Chief Deputy Secretary, Division of Juvenile Justice.

#### **13010.5 Media Representatives**

- Media representatives, as defined in CCR 3261.5(a)(1) and (2), includes news media representatives and non-news media representatives.
- News media representative means a journalist who works for, or is under contract to, a newspaper, magazine, wire service, book publisher, or radio or television program or station, or who through press passes issued by a governmental or police agency, or through similar convincing means, can demonstrate that he or she is a bona fide journalist engaged in the gathering of information for distribution to the public.
- Non-news media representative means an individual in the publishing and broadcasting media who is not a news media representative. A non-news media representative may include editorial researchers, freelance writers, authors of books, and independent film makers involved with the production of broadcast or print endeavors including, but not limited to, features, documentaries, commercials, and pilots for proposed news or entertainment programs.

A current list of the names, telephone numbers, fax numbers, and e-mail addresses of media representatives who usually cover the institution or parole region office shall be readily available to those officials authorized to issue news releases and statements. Media representatives shall be advised to contact the PIO when they are seeking information.

#### **13010.6 Media Information Practices**

The following provisions shall be considered as guidelines:

- News and all the factors associated with it are highly variable.
- No set of rules will cover all situations.
- Clarify what the reporter is seeking.
- Prepare your response.
- Know your policies and regulations.
- Never speculate or guess.
- Communicate clear and accurate information.
- Do not disclose confidential information about any individual.
- There is no substitute for good judgment.
- Confer with the Communications office for guidance and coordination.

Institution PIOs shall immediately notify the Secretary via the Assistant Secretary, Communications, and their respective chain of command within their division (e.g. Associate Director, Director), of any occurrence or situation of unusual, critical, significant, potential, and/or prolonged media interest. Examples include:

- Incidents involving fatalities, incidents involving a high profile inmate or parolee, crisis or high profile situations, mass disturbances, labor actions, issues or incidents that place the CDCR in an unfavorable or unpopular light, inmate homicides, employee arrests, issues or incidents that place the CDCR in a position of defending against incorrect perceptions or allegations of the media, any significant, potential, and/or prolonged inquiry by major, national or international media, a media investigation, anything else of concern to the CDCR and/or the administration including ballot measures, audit reports, lawsuits, regulation submission to the Office of Administrative Law, scheduled executions, major motion picture requests, and others.
- Incidents likely to attract routine media interest do not require notification. Examples include non-fatal incidents, unless a high profile inmate or parolee is involved, and regularly scheduled events or classes.

Written news/press releases and media advisories, except for escape bulletins, shall be approved before distribution by the Assistant Secretary, Communications, or designee.

- A written news/press release is a formal, typed document, usually in the form of a newspaper article, that is sent to the media and

other interested parties and that contains newsworthy information. It is intended for mail, fax, online communication, or hand-carried delivery.

- A media advisory is a written document which alerts the media to a specific event. It is often sent out to alert the media of a news conference or some other event where their presence is desired or expected.
- A news conference is an event where PIO's or other speakers are present to tell the media about a newsworthy subject.

#### **13010.7 General Inquiries**

Requests for information shall be given prompt attention. Inquiries addressed to a specific facility requesting information about the history or operation of a facility shall be answered by the facility. However, if clarification regarding the communication or a matter of policy is involved, seek the assistance of the Assistant Secretary, Communications, or their designee in the Office of Public and Employee Communications.

Unusual or repeated inquiries or letters shall be reported to the Assistant Secretary, Communications. Requests for information about CDCR issues, requests involving other segments of the CDCR, or requests from other State agencies shall be referred for reply to the Assistant Secretary, Communications, or their designee in the Office of Public and Employee Communications. Requests for public records shall be processed in accord with DOM, Chapter 1, Article 16.

#### **13010.8 Media Access to Institutions and Facilities**

Access to an institution, facility, or contract facility for a news media representative shall require approval of either the institution head or the Assistant Secretary of Communications or designee. Access to an institution or facility for a non-news media representative shall require prior approval of both the institution head and the Assistant Secretary of Communications or their designees. For each request for access from a news media representative or non-news media representative, the institution head or the Office of Public and Employee Communications shall provide an initial response within two (2) working days.

Non-news media representatives must provide proof of employment by a bona fide publication or production company, or have evidence that such a company has contracted to purchase the completed project prior to approval. Non-news media representative requests for access to departmental facilities, on-duty staff, or inmates shall include project and production details as necessary to determine security and operational impacts. Non-news media representative film productions require a California Film Commission permit, along with evidence of financial responsibility and liability insurance or at least \$1 million indemnifying and defending the State of California, its offices, employees, and agents against any lawsuits.

Within an institution, all media representatives shall be under direct supervision of the PIO or their designee. Media representatives shall not enter security housing units, condemned units, execution chamber, Administrative Segregation Units, Psychiatric Services Units, or any area currently affected by an emergency situation without approval of the Secretary, or designee. Access to any secured area where lethal weapons are maintained requires prior approval of the institution head. The institution head may allow access to an area outside the secure perimeter of a facility to news media representatives. News media representatives shall be given general access to all areas of community based correctional centers and facilities under contract to DAPO only with prior approval of the RPA, and when accompanied by the regional PIO or designee.

No media representative or organization shall be barred for cause from a correctional institution without the advance approval of the Secretary or designee. Documentation relative to such a proposed action should be mailed, faxed, or delivered to the Chief Deputy Secretary, Adult Programs, and the Assistant Secretary, Communications.

Institutions, on-duty staff, inmates, or records under control of the CDCR, shall not be used in conjunction with filmmaking, radio, or television programs, or the writing of books, magazine articles, or syndicated stories, without prior approval of the Secretary.

All requests for transmission by microwave or satellite from a correctional facility shall be directed to the Assistant Secretary, Communications, for approval or disapproval.

Controlled access for media representatives may be permitted to seriously or terminally ill patients and their housing areas, subject to DOM Section 13010.15.3. There may also be limited and/or restricted access to other areas including towers, control booths, protective housing units, reception centers, and other areas that affect the security of the institution. The intent of this section is to encourage all reasonable cooperation with and access for media reporters and their technical crews within available resources consistent with the safe and secure operations of its institutions.

Institution heads and RPAs may impose limitations on or set conditions for media access when, in their judgment, such access would constitute an immediate threat to safety and security, or generate serious operational problems. In the event of a



disturbance that may, in the opinion of the institution head or his/her designee, threaten the safety and security of the institution or any person, media representatives shall be escorted to safety. The Assistant Secretary, Communications, shall be notified as soon as possible of such occurrences. The Assistant Secretary, Communications, is available to mediate disputes with the media.

#### **13010.9 Public/Media Notice of Escapes**

In the event of an actual or suspected escape, the institution, regional PIO, RPA, or off-hours designee shall notify by the fastest means possible (i.e., fax, telephone), radio stations, television stations, and newspapers in surrounding communities as well as the escapee's home community of pertinent information about the escapee and shall make the information available for public posting on the CDCR Internet website. Such information shall include, but not be limited to, the missing escapee's:

- Name, CDC number, and date of birth.
- Physical description, including race, sex, height, weight, hair and eye color, and any scars or tattoos.
- Estimated time of disappearance and other pertinent details.
- Last known address.
- Commitment offense and current warrants or holds.
- Possibility of being armed or being a danger to the community.
- Most recent photograph (unless releasing the photograph poses a specific threat of imminent danger to the escapee), or short escape bulletin of the escapee to the notified television stations and newspapers.

If a photograph or short escape bulletin is not available for distribution, post the photograph at the institution or parole office's front entrance and notify the media that they may drop by and take pictures of the photograph for their use.

Inform the news media on the institution's and/or parole office's search efforts and cooperation with local law enforcement agencies to apprehend the escapee.

#### **13010.10 Media Inquiries**

Media inquiries shall be given high priority. Facts shall be gathered as quickly as possible and provided to the inquirer. If the requested facts are not known or are otherwise unavailable, the inquirer shall be so informed.

An official authorized to respond to media inquiries shall be available at all times. Officials shall be thoroughly familiar with CDCR, institution, or parole region policies and procedures.

Officials shall not speculate or guess when answering inquiries or in issuing releases. The facts shall be obtained as quickly as possible and communicated to the inquirer. If the information cannot be quickly secured, a progress report shall be given to the inquirer.

A person making an inquiry shall not be referred to another source by the PIO without clearing the referral with the appropriate authority and then discussing the matter with the staff contact person. The information shall be collected by the PIO receiving the inquiry, and then relayed to the inquirer. If the requested facts are not known or are otherwise unavailable, the inquirer shall be so informed.

When a media inquiry is received, the fact that the inquiry was made shall not be volunteered to another media representative. No information developed to answer a media person's inquiry shall be provided to another media person unless in response to a separate inquiry from them on the same subject.

Staff shall not comment on any active or pending lawsuit or other legal action. Responses to specific allegations of a lawsuit or legal action shall be directed to the appropriate Deputy Attorney General or the Assistant Secretary, Communications.

#### **13010.11 Authorized Release of Information**

The only data that may be released to the media or to the public about an inmate or parolee without a valid written authorization from the inmate/parolee includes the following:

- Name.
- Age.
- Birthplace.
- Place of previous residence.
- Commitment information from the adult probation report (as excerpted in the Cumulative Case Summary).

- Facility assignments and behavior.
- General state of health given in short and non-medical terms such as good, fair, serious, critical, or treated and released.
- Cause of death.
- Actions regarding sentence and release.

Generally, it is appropriate to provide all data which is a matter of public record. However, the Criminal Identification and Investigations Report (rap sheet) shall not be used as a source. Under law, information on the rap sheet is not a public record and shall not be used to furnish information concerning an inmate's or parolee's arrest history to any person other than a sworn member of a government law enforcement agency.

Except as provided by applicable federal and state law, no person shall disclose any protected health information that identifies an individual without a valid written authorization from the individual.

No person shall disclose specific inmate information involving medical history, educational test scores, psychological test results, classification scores, or information provided on employment or educational applications. Information on a CDC Form 115, Rules Violation Report, that has not been affirmed by administrative review should be general in scope and referenced as allegations, such as "inmate xxxx has been charged with...."

Information pertaining to a Division of Juvenile Justice ward shall be released to the news media or the public according to Sections 676, 1764, and 1764.1 of the Welfare and Institutions Code.

#### **13010.12 Authority to Contact Media**

The authority granted to institutions and parole region offices to release information regarding an institution incident or newsworthy event does not apply to individual employees unless specifically authorized by the Warden, institution head, or RPA.

Employees of CDCR shall not generate or initiate news media contact regarding incidents or newsworthy events without prior approval to do so. Employees who believe that a particular event is newsworthy shall first seek the guidance and permission of the PIO, who shall seek appropriate authorization and make prior notification to the Assistant Secretary, Communications, or their designee in the Office of Public and Employee Communications.

#### **13010.13 Spot News**

Through PIOs and with authorization from the Assistant Secretary, Communications, institutions and parole offices are encouraged to release spot news such as information about escapes and major incidents. The PIOs are authorized to release related photographs if available, subject to DOM, Sections 13010.16 – 13010.17.3.

The institution or parole office shall initiate release of spot news. It shall be done as soon as practical before or soon after the event. The release shall be made simultaneously to all reporters or media who cover the institution or parole office if possible. Each shall be provided the same information. Releases need not be provided to the news media in written form. When contacting the media by telephone, it is advisable to develop a well supported oral or written statement. This ensures consistency and accuracy in releasing spot news.

Information about an escape is routinely released. However, every effort shall be made to release constructive news concerning the institution or parole office. Information concerning programs and activities including blood donations, rescues, graduations, art shows, charitable activities, fundraisers for non-profit organizations, and concerts are possible subjects.

#### **13010.14 Informing the Secretary**

The Assistant Secretary, Communications, shall inform the Secretary of events likely to attract significant and/or prolonged news media attention. This includes statements, advisories, and releases given to news media, as well as instances in which reporters enter facilities or institutions to cover activities or randomly interview inmates.

#### **13010.15 Routine Media Interviews**

Media representatives may be permitted random face-to-face interviews with inmates housed in facilities under the jurisdiction of CDCR. Such interviews shall be conducted as stipulated by the institution head, including restricting the time, place, and duration of interviews, and size of technical crews. No inmate shall be interviewed against his/her will.

#### **Interview Conditions**

Inmates may not participate in specific-person face-to-face interviews. Random interviews of individuals involved in a specific activity or program, or encountered while covering an institution activity or event shall be limited to the time, areas, and segments of the facility population designated by the institution head.

### Cameras/Recording Equipment

The institution head or designee shall approve the use of cameras or recording equipment in advance. A location agreement and a film permit from the California Film Commission may be required for filming and photographing on state property.

### Security Arrangements

Media representatives are to be accommodated, whenever possible, at the institution within regular work hours using on-duty personnel. In certain situations, CDCR may incur additional staffing costs. Media representatives or their organizations may be required to pay the reasonable security or escort costs directly associated with media's use of the location including benefits and overtime pay. Media will be notified of the approximate staff requirements and costs.

The Assistant Secretary, Communications, shall be consulted whenever a fee for the added supervision or security arrangement is contemplated.

### 13010.15.1 Inmate Declaration to News Media Contact (CDCR Form 146)

The CDCR Form 146, Inmate Declaration to News Media Contact, shall be completed when an inmate is the subject of an interview, still photograph, motion picture, or other recording intended for use by a television, radio station, newspaper, magazine, or other publication.

- Inmates under 18 years of age shall not be photographed, filmed, or videotaped.
- One employee shall witness the inmate's signature on the completed CDCR Form 146.
- In order to provide a permanent record of the incident, the signed copies of the CDCR Form 146 shall be distributed as follows:
  - Original - institution file.
  - Copy - inmate's central file.

### 13010.15.2 Writing, Telephoning, and Visiting an Inmate

Media representatives may contact any State prison inmate by mail. It is not necessary for media to notify the CDCR before communicating with an inmate. Incoming letters are opened, inspected for contraband, subject to be read, and then forwarded to the inmate. To ensure prompt processing, media representatives should address letters using the inmate's full name, CDC number, cell or location numbers if known, and the address of the institution where the inmate is housed.

Most inmates have access to telephones and can make outgoing collect calls on designated telephones according to their privilege group. Limitations are placed on the frequency of such calls to allow equal access to telephones by as many inmates as possible and as determined by the inmate's privilege group. When corresponding with an inmate, media representatives may provide a telephone number where an inmate can call them collect. It is up to the inmate to initiate the call. No restriction is placed on the identity or relationship to the inmate of the person called, provided that the person agrees to accept all charges for the call. Telephone calls are limited to 15 minutes and may be recorded. Media representatives may also record the call with the inmate's permission.

Staff will not take messages and faxes from the media to inmates.

If a media representative wishes to visit an inmate, it shall be in accordance with the visiting requirements in CCR Sections 3170-3176.3 and DOM section 54020. A completed questionnaire must be submitted and approved by the institution before the visit. Any member of the media, once approved, may visit; however, they may not bring in cameras or recording devices in a manner inconsistent with the DOM or State law. No inmate or parolee may have his or her visitation limited or revoked solely because of a visit or potential visit from a media representative, nor may an inmate or parolee be punished, reclassified, disciplined, transferred to another prison against his or her wishes, or otherwise retaliated against, solely for participating in a visit by, or communicating with, a media representative. During an interview, media representatives shall be allowed to bring up to three (3) pens, three (3) pencils, and one (1) pad of paper into the facility. These items shall be searched to protect against an immediate and direct threat to the security of the institution.

### 13010.15.3 Interviews with Seriously or Terminally Ill Inmates

- News media shall be allowed controlled access under institution escort to patients and their housing areas in order to safeguard the public's right to know.

- Random interviews in units housing patients shall be closely monitored and shall be terminated if a majority of the unit's inmates object.
- No more than two visits per calendar month to a unit housing seriously or terminally ill inmates shall be allowed so as not to disrupt the operation of the unit. These visits shall be on a first-come, first-served basis with a waiting list to be maintained by the institution's PIO. A pool of no more than 10 media persons per visit shall be permitted.
- Media interviews shall not be permitted with an inmate suffering from a mental illness when, in the opinion of a psychiatrist or psychologist, the inmate is not capable of giving informed consent or their condition may be worsened by such an interview.
- Assistant Secretary, Communications; Chief Deputy Secretary, Operations; and institution medical staff shall be notified in advance of all significant planned news media events with medically-confined inmates.

### 13010.16 Interviews with Employees

Accurate information within statutory guidelines shall be provided in response to media inquiries regarding employees. Incidents within facilities and institutions are often newsworthy events that involve staff as well as inmates. Other incidents include employees' acts of heroism, volunteerism, or community involvement that merit media attention.

The only employee data that may be released to the media or to the public by other than the employee concerning the employee's involvement in an institution incident or newsworthy event includes:

- Full name.
- Civil service classification.
- Age.
- Work assignment.
- Length of service with the Department and/or current division or unit.
- Past work assignments.
- Role or function in a newsworthy event.

Employee information shall not be released if the information would endanger the employee or if the employee is the victim of a crime.

Further information and directions for releasing information on employees is found in DOM, Chapter 1, Article 15, Information Practices.

### 13010.16.1 On-Duty Interviews

Media representatives may be permitted random or specific person interviews with on-duty staff who consent to the interviews, provided such interviews do not interfere with the security of the institution. Such interviews shall be conducted as stipulated by the institution head, including restricting the time, place, and duration of interviews, and size of the technical crews.

Use of cameras or recording equipment shall require prior approval of the institution head, or designee. (A location agreement and a film permit from the California Film Commission may be required for filming and photographing on State property.)

Photographing, filming, or video recording of CDCR staff within an institution, parole office, or other non-public area is permissible only with prior consent of each employee.

### 13010.17 Photographs, Films, and Videotapes

The Department has no control over photographs, films, or video recordings taken of CDCR facilities, employees, inmates, parolees, or CDCR equipment when the person taking the photograph is not on institution property. This includes, but is not limited to, inmate community work crews, inmate fire crews, inmate presentations in schools and other public locations, inmates being transported on public streets, highways, etc.

Persons are prohibited from interrupting, interfering, or communicating with an inmate being transported or working off institution grounds without prior authorization of the staff person in charge or institution head.

Photographs, films, videotapes, digital videotapes and photographs, floppy disks, compact disks, memory cards, memory sticks, or any other recorded media other than for official purposes, which reveal an inmate's identity, may be taken within an institution, camp, community correctional facility, or parole office subject to the following conditions:

- An inmate shall be required to sign a CDCR Form 146 before any photographing, filming, videotaping, or video recording that clearly identifies the individual.
- An inmate's consent is not required where individuals in such settings as an exercise yard or dining hall are not singled out or where the identity of the inmate is not revealed; however, before any photographs are taken or filming is done, inmates shall be advised so those who do not want to be recognized may turn away or leave the area.

- Photographs taken or filming of inmates may be in any appropriate location such as on their job or other assignment, with their artwork, playing an instrument, etc., depending on the news or feature story under development.

#### **13010.17.1 Identification Photographs**

- Unless there is a specific threat of imminent danger to an inmate or parolee by releasing their image, media representatives shall be permitted access to identification photographs without the inmate or parolee's consent. Media representatives shall pay for the facility's cost of providing such requested photographs. Current photographs of escaped inmates and parolees at large shall be provided without charge.
- If there is reason to believe release of a photograph will create an imminent danger to an inmate or parolee, the Assistant Secretary, Communications, and the Director of the division responsible for the inmate/parolee shall make the final decision about the photograph being released.
- No photograph which would reveal the identity of any inmate committed to the Division of Juvenile Justice (DJJ) shall be made available other than for official purposes such as an escape.

#### **13010.17.2 Execution Chamber**

- Photographs or any other audio or visual recordings of an execution are prohibited. However, stock CDCR photographs and videotape footage of the area are available upon request from the Communications Office.
- No camera, wireless microphone, or other recording device shall be permitted within the execution chamber area.

#### **13010.17.3 Prohibitions**

Before entering a facility, photographers, camera, and video operators shall be carefully instructed as to what cannot be filmed, photographed, video taped or video recorded. Prohibitions include photographing staff or inmates without consent and any procedure, equipment, or structure that compromises security. The photographers, camera, or video operators shall agree in writing to these conditions prior to entering a CDCR institution or facility.

##### **Conditions**

In rare instances, it may become necessary to seize film, videotape, digital videotape, floppy disks, compact disks, memory cards, memory sticks, or any other recording devices because of a clear violation of regulations on photography within CDCR institutions or facilities. For example: photographing an employee, inmate, or parolee after the employee, inmate, or parolee has refused permission, or photographing security facilities, procedures, or equipment without permission.

- Any seized film, videotape, digital videotape, floppy disks, compact disks, memory cards, and/or memory sticks, and any other recording devices shall be placed undamaged, undeveloped, and unviewed, in a secure area.
- The institution head and the Assistant Secretary, Communications, shall be notified immediately for disposition of the recorded material and/or devices.

**Note:** In no event shall film, audiotape, videotape, camera, or recording equipment be destroyed or harmed.

In the event of a disturbance, photographers, and videographers approved to visit an institution or facility shall not have their film, audiotape, videotape, digital videotape, floppy disks, compact disks, memory cards, memory sticks, or recording devices seized. The production may be halted at the request of the institution head or designee and personnel will be escorted to safety if the disturbance threatens the safety or security of the institution or any person. Should CDCR or another law enforcement agency have need of the recorded material in connection with any criminal, civil, or administrative investigation or proceeding, they may advise the photographer or videographer of the need for the recorded material.

#### **13010.18 Legislative Hearings**

Institutions shall allow legislative hearings to be held at predetermined locations as approved by the Secretary. The areas within an institution where legislative hearings can be held shall be determined according to the number of anticipated attendees, security needed for testifying inmates, and logistics.

Some authorized areas include visiting rooms, IST classrooms, visitors' processing centers, conference rooms, boardrooms, and staff dining

rooms. Gymnasiums, chapels, libraries, education facilities, as well as other areas located within secure confines, shall not be utilized.

The hearing shall be held during the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday.

Cessation of some institution programs may be necessary depending upon the area scheduled for the hearing. When suspension of visiting is required, the inmate population of the institution involved shall be notified in writing as far in advance as possible.

##### **Preparation and Processing**

Once an institution hearing is approved, the legislative committee initiating the request shall designate a coordinator to work with the CDCR's Legislative Liaison.

The coordinator shall make a formal request for any CDCR report, file, or other data needed at the hearing. The coordinator shall also provide the Legislative Liaison with the names of legislators, consultants, staff, and witnesses who will be in attendance.

The Legislative Liaison shall provide the coordinator a copy of any pertinent, public CDCR regulations relative to security and logistical concerns including the type of clothing not allowed on institution grounds and the permissible capacity of the designated hearing area to be used.

The institution shall make every reasonable effort to assist with the set up of seating, but are not obligated to furnish equipment, props, staff resources (other than security), or make any physical plant modifications for the hearing.

During the hearing, the legislative sergeant-at-arms shall coordinate all activities with the institution head or a designee. The institution head shall have the authority and responsibility for all matters relating to security and processing. The sergeant-at-arms shall act primarily as a liaison between the committee's chairperson and the institution head.

If the hearing requires inmate testimony, the hearing shall be scheduled in an area indicated above that will provide reasonable access to and from the inmate's housing unit. If the hearing requires the presence of inmates housed in a Level IV security housing unit or condemned row facility, the hearing shall be held in an approved area that provides the highest degree of security.

##### **Classification and Processing of Attendees**

The number of attendees shall never be allowed to exceed the established occupancy capacity of the designated hearing area.

All tours of an institution shall be conducted in accord with DOM, Chapter 1, Article 14.

Prospective attendees shall be classified in one of the following categories and processed accordingly:

- ELECTED OFFICIALS**--This category of persons includes the Governor, Lieutenant Governor, Attorney General, United States Senators, and members of the United States House of Representatives, as well as State Legislators and other California Constitutional Officers. Elected officials shall:
  - Be processed promptly upon their arrival and shall not be subjected to search or other visitor processing requirements except as outlined in DOM Chapter 5, Article 42 (Visiting) DOM Sections 54020.5 – 54020.6.
  - Be afforded, upon request, access to any portion of the facility provided they are escorted. No arrest history inquiries shall be done for dignitaries.
  - Be required to sign the visitors' register and present an official photo identification card when entering and leaving the institution, and shall be accompanied by sworn staff at all times.

In cases of immediate need, and upon notification by the Secretary in writing, any prohibitions within this Article regarding elected officials may be suspended in the interest of public understanding of the CDCR operations and responsibilities.

- MEDIA REPRESENTATIVES**--This group of persons includes any print, wire service, or broadcast reporter and corresponding technical crew, transcriber(s) of the proceedings, persons affiliated with the elected officials in an official capacity, and the sergeant-at-arms. Other persons may be assigned to this group as determined by the institution head. Media representatives:
  - Shall be required to sign the visitors' register and present verification of their employment.
  - Shall be processed in accordance with the same rules and procedures pertaining to other visitors.
  - Shall be subject to reasonable limitations as determined by the institution head, there shall be no restriction on the type, size, or

amount of equipment allowed unless the institution head determines that such equipment would threaten the safety of the institution or would unduly impede normal operations. All equipment shall be searched for contraband.

- Shall make sure that photographers and camera operators be instructed carefully as to what cannot be filmed, photographed, or otherwise recorded prior to entering an institution. Prohibitions include photographing staff or inmates without their written consent and any procedure, equipment, or structure that may compromise security.
- May be granted a limited tour of nonsecure areas of the institution provided they have been cleared by an arrest history inquiry, do not tour with the elected officials, and are escorted by available institution staff.
- **LEGISLATIVE STAFF**--This group of persons includes any transcriber(s) of the proceedings, persons affiliated with the elected officials in an official capacity, and the sergeant(s)-at-arms. Legislative staff:
  - Shall be required to sign the visitors' register and present verification of their employment.
  - Shall be processed in accordance with the same rules and procedures pertaining to other visitors.
  - May accompany the officials by whom they are employed on any tour of the institution in all areas approved for tour by the institution head or not otherwise prohibited by CDCR regulations or policies, or may tour any areas of the institution separately from the officials as approved by the institution head, and escorted by available institution staff.

*Revised September 25, 2007*

- **WITNESSES**--Witnesses are those inmates, parolees, or ex-felons who have been subpoenaed by the legislative committee and other persons invited by the committee. Such other persons may include family members including registered domestic partners, victims of crimes, expert or technical advisors, and past or present employees of CDCR, all of whom must have received written verification of the committee's directive to appear. Witnesses are subject to the following:
  - Witnesses who have been subpoenaed to testify shall be allowed to attend. The institution head shall decide the appropriateness and degree of restraint and security needed for inmates. For those inmates who would pose a clear threat to the safety of persons attending the hearing, the Secretary may approve use of the two-way audio/video communication system in lieu of the inmate's actual appearance.
  - Inmates who have been subpoenaed to testify shall not be allowed into the hearing area until the time he or she has been scheduled to appear. Prior to entering the hearing room, all inmates shall be searched and be properly attired in State-issued clothing. Inmates shall have no contact with other persons in attendance, be closely supervised, and be strictly limited to the hearing area at all times.
  - All witnesses except current CDCR employees shall be processed in accordance with same rules and procedures pertaining to other visitors to the institution.
- **INTERESTED PERSONS**--All other persons not mentioned above shall be considered interested persons and shall be subject to the following:
  - All interested persons shall be allowed to attend unless there are circumstances to indicate the person would pose an imminent threat to the safety and security of the facility.
  - Interested persons attending the hearing shall not be allowed to tour the facility nor have contact with any inmate. Interested persons shall be processed in accordance with the same rules and procedures pertaining to other visitors to the facility pursuant to CCR 3170 through 3179.

#### **Exclusions**

Because access must be restricted due to the established occupancy capacity, exclusions, if necessary, shall be made, first on a voluntary basis. If further measures are required, access shall be denied to those individuals identified as interested persons. When the hearing involves public comment, the institution head may prioritize access by interested

persons over media representatives and may designate one or a limited number of accredited pool reporters to cover the event.

#### **13010.19 Revisions**

The Assistant Secretary, Office of Public and Employee Communications, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

#### **13010.20 References**

CCR Title 15, Division 3, §§ 3010, 3141, 3170 - 3179, 3260 - 3262, 3402(a), and 3450.

Government Code § 9027.

Civil Code § 1798, et seq. (Information Practices Act).

Government Code § 6250, et seq. (Public Records Act).

Cal. Const. Art. 1, sec. 1 (Right to Privacy).

Cal. Const. Art. 1, sec. 3 (Right to Information).

### **ARTICLE 14 — COMMUNITY RELATIONS**

*Revised March 14, 1995*

#### **13020.1 Policy**

The goodwill of the public is important to the Department, each facility, each parole region, and each employee.

#### **13020.2 Purpose**

- This section designates employee responsibility in representing the Department in the community, and describes practices to encourage and maintain good community relations.

#### **13020.3 Definition of Community Relations**

Community relations is the function of promoting positive interaction between the correctional community and the public in an effort to educate and develop public awareness. It is through better understanding of the Department's mission that public confidence will be increased.

#### **13020.4 Community**

Community as used in this section refers to the general public, local, and State government bodies, employee organizations, special interest groups, and community organizations. The Department, its divisions, facilities, and units deal with many different, though frequently overlapping communities.

Examples of communities with which the Department is involved include, but are not limited to, the following:

- The State, counties, and cities.
- Employees of the Department.
- Law enforcement personnel at the State, county, and local levels.
- Legal groups.
- Taxpayers groups.
- Religious organizations.
- Medical associations.
- Labor unions.
- Chambers of commerce.
- Schools.
- Neighborhoods.
- Athletic organizations.
- Entertainment groups.
- Service organizations.
- Special interest associations.

Each group has its own viewpoint, interests, needs, and background. Each group is influenced by and influences other groups. Together with other groups, they make up the general public of a nation, state, county, city, or town.

#### **13020.5 Policy Decisions and Operating Procedures**

The Department and its units were created and are maintained by the public to perform a task for the public. Policies and procedures of the Department, its divisions, facilities, and units shall be designed to serve the public's interest. The effect of proposed policies and procedures on all public groups shall be carefully analyzed. Care should be used to ensure that steps taken to provide a service to one group does not harm some other group. In the event of conflict, alternative policy or procedure shall be sought to resolve it. If the conflict cannot be resolved and action is necessary, the alternative providing either the greatest good for the largest public group or the least inconvenience for the smallest public group shall be pursued.

**13020.6 Public Inconvenience**

Any policy or procedure which results in, or could appear to result in any of the following, shall be reexamined:

- Excessive noise.
- Smog, smoke, dust, bad odors, or other air pollutants.
- Dirt.
- Pollution of water.
- Traffic jams.
- Dangerous, unhealthy, or unsightly conditions.
- Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, sex or sexual orientation, political affiliation, or age.
- Misuse of money, manpower, or resources.
- Brutality to or coddling of prisoners.
- Competition with business or labor.
- Favoritism to or discrimination against certain suppliers.
- Embarrassment to friends or relatives of inmates, to visitors, to passersby, or to nearby residents.

**13020.7 Unfavorable Public Reaction**

Policies or procedures that unexpectedly cause an unfavorable public reaction shall be reexamined as soon as brought to the attention of the Department, division, facility, or unit. Every effort consistent with the public interest shall be made to correct the situation as quickly as possible.

**13020.8 Community Relations Representatives**

The employees of the Department are the greatest single resource for building good relations. Every employee is a community relations representative both on and off-duty. Employees shall be properly informed, through IST and other appropriate means, of departmental and facilities or divisional philosophies and practices. Employees are regarded as experts in all phases of correctional work by those with whom they come in contact; therefore, it is important that they understand the reasons behind the practices of the Department and its broad organization, as well as the position in which they are employed.

The designated staff liaison for community-related activities shall be the Community Resource Manager (CRM).

**13020.9 Facility Activities**

Wardens or RPAs, through the facility/regional CRMs and PIOs, shall coordinate all facility/regional activities which are a part of this section unless those responsibilities have been designated as the sole responsibility of the Warden or RPA by statute or regulation.

**Citizens Advisory Committee**

Each facility/parole region shall organize a Citizens Advisory Committee whose primary objective shall be to promote communications between the facility/region and the community. The role and function of these committees are further defined in DOM 31040, Volunteers.

Positive programs to maintain premises well-kept and attractive shall be followed.

Reputable citizens of the community shall be encouraged to come to the facility. Good community relations cannot exist when the facility is a place of mystery, set apart from the community.

Reception of visitors shall be cordial and businesslike. Employees shall be courteous, pleasant, neat, helpful, and efficient.

Appropriate, identifiable parking shall be provided for visitors where possible. In the planning of any event expected to attract large numbers of visitors, adequate parking space shall be arranged.

The parking area shall be supervised. If the event may cause traffic problems off the grounds, the CHP and/or other appropriate agencies shall be notified in advance.

Employees shall not act as traffic officers on highways off Department property.

Employees shall be sensitive to possible misunderstandings by visitors. Where the possibility of misunderstandings exist, care shall be taken that an adequate explanation is made. Employees regularly meeting the public, conducting tours, or escorting groups shall make a particular effort to stay informed in order to make an effective presentation and provide accurate, complete answers to questions.

**13020.9.1 Visits by Other Departments/ Agencies**

In the case where a facility requests the services of other departments or agencies, or those departments or agencies request an official visit as part of their official duties, to interview staff or inmates, or to do follow-up work to ensure compliance with legal requirements, the facility shall make every effort to assist those individuals in completing their assignment.

Examples of visitors of other departments or agencies include, but are not limited to, employees of:

- State DOJ, Law Enforcement Division (investigators, forensic scientists, fingerprint specialists).
- DHS (environmental health specialists, vector, and sanitation experts).
- The Board of Prison Term (commissioners and Deputy Commissioners) if hearing cases in a special housing unit.
- The Legislative Analyst.
- The DOF.
- Auditors.
- DA investigators.
- Coroners.
- FBI agents.
- Court monitors.

If the visitor(s) is doing follow-up work or interviewing staff or inmates, the visiting department or agency shall notify the office of the Warden at least 24 hours in advance of the visit date and delineate the time of arrival and purpose.

The Warden, or designee, shall ensure the necessary gate clearance is forwarded to the gate officer.

Visitors shall be required to produce official identification and a standard search will be conducted.

**Visitor Clearance**

The Warden's office shall ensure that the visitor or visiting group is assigned a staff member to escort the visitor(s) while at the facility. The staff escort shall remain with the visitor(s) during the entire stay in the facility. The staff escort may be from sworn, non-sworn, or other personnel assignment.

**Equipment**

If the visitor has equipment that is required to complete their task, proper security of that equipment shall be maintained during the entire visit.

If necessary because of the size/weight of the equipment or weather conditions, transportation shall be provided by the facility to the area of the visit if possible.

Parking shall be provided.

**13020.10 Tours**

Service clubs, trade associations, labor unions, educational groups, and other civic organizations shall be encouraged to visit facilities and community correctional centers. Arrangements for group tours may include providing meeting facilities for the groups.

Facilities, camps, and community correctional centers may set aside a regular time one day each week for a conducted tour of individuals. These individuals shall be treated as a group.

- Facilities where the small number of individual requests or other reasons make weekly tours impractical may set aside one or two days a month for such tours.
- Spouses or other close relatives of employees may be conducted on a tour as a group at least annually.

**TAC**

TACs provide an important public information and community relations opportunity. Special efforts shall be made to keep the committees accurately informed through special tours and visits to the various trade areas.

TACs shall be encouraged and assisted in the preparation of special articles for trade publications covering their appropriate fields.

**Distinguished Visitors**

Distinguished visitors assist the Department in being visible to the community. Distinguished visitors include: the Governor, Lieutenant Governor, Attorney General, U.S. Senators and Congressmen, State Legislators, foreign dignitaries, noted authors, and other national, State, and local officials. The Director shall be notified, when appropriate, of the impending visit of a distinguished visitor. In the event of a visit by the Governor, Lieutenant Governor, Attorney General or a State Legislator, a full written report of the visit shall be made promptly to the Director, with a copy to the Assistant Director, LLO. The report shall include the purpose of the visit, together with any comments or other information that may assist the Director in making any necessary response.

State Legislators, and other elected California Constitutional Officers shall be permitted to visit and tour facilities, camps, and community correctional centers without prior notice. Appropriate escorts shall be provided. All reasonable access and cooperation shall be given. Access for such officials may be denied only during emergencies, with the approval of the Director. Guests accompanying elected officials may be denied access in absence of prior approval by the Warden, or RPA.

An appropriate personal escort from either the YACA or CDC shall be provided for nonpublic tours of institutional facilities for the Legislature, Lieutenant Governor, State Controller, Secretary of State, State Treasurer, State Insurance Commissioner, State Superintendent of Public Instruction, State Attorney General, members of the State BOE, elected city and county officials, and candidates for political office and members of their staff.

A separate tour may be arranged for the news media and other members of the public through the office of the Warden, or RPA, according to provisions of DOM 13010.

#### **13020.11 Grand Juries**

PC 919 and 921 entitle Grand Juries to free access, at reasonable times, to the public prisons within their county for the purpose of inquiring into the conditions and management of these prisons and to examine public records. Each Warden shall, therefore, extend an invitation, at least once a year, to the Grand Jury of the county in which their facility is located. Such visits shall be coordinated with the BPT schedule when possible and where practical.

Visits shall be scheduled as soon as possible after the impaneling of each new Grand Jury.

When visits to a facility are initiated by the Grand Jury, employees shall be made available as necessary to guide, orient, or otherwise assist the Grand Jury. A report of such visit shall be made to the Director.

#### **13020.12 Exhibits**

Exhibits depicting the activities of the Department, divisions, facilities, units, and the work or training involving inmates, may be displayed in Department facilities.

Properly planned and prepared exhibits (not including inmate handicraft) may also be displayed at conventions, banquets, and other appropriate locations where they may be helpful for educational or recruitment purposes. Care shall be taken that no commercial sponsorship or endorsement is stated or implied.

#### **13020.13 Facility Participation in Community Activities**

The facility may participate in some community activities either as a State agency or as a group of employees or inmates.

- Activities as a State agency (staff/inmates) can include, but are not limited to, the following:
  - Community service work crews.
  - Mutual aid, police, and fire agreements.
  - Provisions for informative material and speakers to schools, colleges, civic groups, and other organizations.
  - Appropriate assistance in the prevention of delinquency and crime.
  - Arts work crew.
  - Vocational shop repairs and construction products.
- Activities as a group of employees or inmates may include, but are not limited to, the following:
  - Participation in charity drives and blood donations.
  - Sponsorship of athletic teams, scout troops, or cultural groups.
  - Formation of employee teams, bands, and orchestras.
  - Sponsorship, support, and supervision of youth activities aimed at instilling good citizenship.

#### **13020.14 Employee Participation in Community Activities**

Employees shall be encouraged to participate in community functions. While the job shall come first, such encouragement shall include changes in duty time or days off (when possible), for employee participation in specific community events.

Employees seeking approval to represent the Department in public appearances shall submit a request in writing to the Warden or RPA.

- The request shall include a complete description of the type of event, purpose, size of the audience, date of the event, and topics to be discussed.
- When a speaking engagement has been completed, the employee involved shall submit to the PIO a written summary of the event including:
  - Evaluation of the audience response.
  - Number of people present.
  - Presence of news media representatives.

#### **13020.15 Revisions**

The Assistant Director, Communications, or designee is responsible for ensuring that the contents of this section are kept current and accurate.

#### **13020.16 References**

PC §§ 919, 921, and 5056.

CCR (15) (3) §§ 3260 - 3265.

DOM §§ 13010 and 31040

### **ARTICLE 15 — INFORMATION PRACTICES**

*Revised July 16, 1996*

#### **13030.1 Policy**

Information in all records and files of the Department which pertains to inmates, parolees, employees, or other persons shall be collected, maintained, amended, and disclosed in conformance with the IPA of 1977 and subsequent amendments.

#### **13030.2 Purpose**

This section specifies staff responsibility for the collection, maintenance, amendment, and disclosure of information in keeping with the right to privacy of inmates, parolees, employees, or other persons.

#### **13030.3 General Review**

When a request to disclose information from a departmental record, or to receive copies of information, is received, employees shall look first to the provisions of the DOM 13040 to determine if the information is in a public record. If the information is disclosable as a public record, and the record contains personal information, employees shall look to the provisions of this section to determine if the information is exempt from disclosure.

#### **13030.3.1 Training**

All employees shall be provided general training regarding the policies, procedures, and regulations governing the collection, maintenance, use, disclosure, and destruction of personal information. Only those employees with a "need to know" shall be permitted to have access to departmental records containing personal information.

#### **13030.4 Definitions**

##### **Access**

An individual's right to see their own records, or an individual's right to permit an agent, on their behalf, to review the individual's records.

##### **Agency**

Every state office, officer, department, division, bureau, board, commission, or other state entity exclusive of the following:

- The California Legislature.
- Any agency established under Article VI of the California Constitution.
- SCIF, except for any records which contain personal information about employees of SCIF.

Agency includes any local agency as defined in GC 6252(b).

##### **Caseworker**

A CC-I or PA-I.

##### **Commercial Purpose**

Any purpose which has financial gain as a major objective. It does not include the gathering or dissemination of newsworthy facts by a publisher or broadcaster.

##### **Confidential Information**

Information, other than exempt personal information, that is withheld from disclosure as a public record under DOM 13040.17 (Also see **Exempt** in this section).

##### **Data Subject**

See **Individual** in this section.

##### **Department Employees**

Full-time and part-time civil service and exempt employees, student assistants, aides, contractual persons/entities, consultants, or anyone whose duties with CDC require or permit the use of records or information about other individuals.

**Disclose**

To divulge, release, transfer, disseminate, or otherwise communicate all or any part of any record orally, in writing, or by electronic or any other means to any person other than the one about whom the information is kept.

**Examine a Record**

The physical audit of a record by a departmental reviewer prior to an inspection or disclosure to determine if the record contains exempt personal information.

**Exempt**

Personal information that may, by law, be withheld from the individual to whom it pertains. This was formally referred to as confidential information (Also see **Confidential Information** in this section).

**File**

See **Record** in this section.

**Government Entity**

Any branch of the federal government or of state or local government as defined in GC 6254(b).

**Individual**

Any natural person about whom CDC maintains any personal information.

**Inspect a Record**

The act of physically reviewing a record by the person about whom the record is kept or their authorized representative.

**Person**

Any natural person, corporation, partnership, firm, association, or government entity.

**Personal Information**

Any information that is maintained by an agency which identifies or describes an individual, including, but not limited to, an individual's name, social security number, physical description, home address, home telephone number, education, financial situation, and medical or employment history, including statements made by, or attributed to, the individual.

**Record**

Any records system or grouping of information about an individual that is maintained by CDC by reference to an identifying particular, such as an individual's name, photograph, finger or voice print, or a number or symbol assigned to the individual. This includes all records systems maintained by CDC.

**Records System**

Any grouping of records which pertains to one or more individuals maintained by CDC from which information is retrieved by an individual's name, photograph, finger or voice print, or a number or symbol assigned to an individual.

**13030.5 Responsibility: Office of Information Practices (OIP)**

OIP operates under the direction of the Executive Officer of the SPB. Its functions include, but are not limited to, the following:

- Assist an individual in identifying and accessing records which may contain information about the individual.
- Develop administrative guidelines and assist state agencies in implementing the IPA's provisions.
- Investigate alleged violations of the IPA.
- Mediate disputes arising under the IPA.
- Report uncorrected violations of the IPA to the Governor, the Legislature, and the appropriate law enforcement agency.

**13030.6 Responsibility: Departmental IPA Coordinators**

CDC's IPA Coordinator, located in the BSS shall:

- Ensure that CDC complies with the provisions of the IPA.
- Act as liaison with the OIP.
- Provide training to those persons designated as local IPA liaison personnel.
- Collect information on records systems from all CDC units that keep personal information for submission of necessary reports to the OIP as required by law.
- Coordinate individual requests for personal information to the appropriate CDC division, facility, or office.

- Monitor record keeping practices of offices where personal information is collected, maintained, and disclosed.

**PIA**

The PIA's IPA coordinator, located in the Personnel and Training Unit, shall:

- Ensure that PIA complies with the provisions of the IPA.
- Act as liaison with the OIP.
- Collect information on record systems from all PIA headquarters units and PIA facility factories that keep personal information for submission of necessary reports to the OIP as required by law.
- Coordinate individual requests for personal information to the appropriate staff.
- Monitor record keeping practices of office where personal information is collected, maintained, and disclosed.

**13030.7 Responsibility: Local IPA Liaison Personnel**

Local IPA liaison personnel shall be the personnel manager from each facility, a unit/section chief from each headquarters division, or a staff services analyst or above from each regional parole office. Their duties shall include:

- Ensure that their division, parole region, or facility complies with all provisions of the IPA.
- Act as liaison with the departmental IPA coordinator.
- Coordinate individual requests for personal information to the appropriate office within their division, parole region, or facility for response.
- Monitor record keeping practices of offices where personal information is collected, maintained, and disclosed to ensure compliance with CDC practices.

**13030.8 Responsibility: CCRM**

CCRM shall review the fingerprint card responses from State DOJ for persons appointed to positions which allow access to inmate records or EDP terminals usable to access electronically stored inmate records.

**13030.9 Responsibility: All Employees**

Employees responsible for the creation, use, maintenance, amendment, dissemination, and/or destruction of records containing any personal information shall take all necessary precautions to ensure that proper administrative, technical, and physical safeguards are established and followed in order to protect the confidentiality of those records and to preclude disclosure of personal information to unauthorized persons.

**Shall**

All CDC employees who collect, use, maintain, amend, disseminate, and/or destroy personal information shall:

- Make every reasonable effort to respond promptly to inquiries and requests by persons desiring to receive or review personal information.
- Assist persons who are seeking personal information to make their inquiry specific and descriptive enough to facilitate locating the records requested.
- Respond, in a courteous and business like manner, to inquiries from persons seeking to review, obtain copies of, amend, correct, or dispute personal information kept by CDC.

**Shall Not**

CDC employees who collect, use, maintain, amend, disseminate, and/or destroy personal information shall not:

- Require individuals to disclose personal information which is not necessary and relevant to the lawful state function for which the employee is responsible.
- Improperly disclose personal information relating to any individual to any unauthorized person. The improper disclosure of personal information is cause for an adverse action, and it may subject the employee and CDC to legal action (See DOM 13030.33 for further information).
- Seek or use personal information relating to others for any purpose other than the lawful purpose for which it is collected. The intentional violation of this requirement is cause for an adverse action, and it may subject the employee and CDC to legal action (See DOM 13030.33 for further information).

**13030.10 Validity of Information**

Every employee who collects, maintains, or receives personal information shall make reasonable efforts to ensure that the information is accurate, timely, relevant, and complete.

**13030.11 Notification And Reporting Requirements**

Each local IPA liaison person shall complete and file with CDC's IPA Coordinator a fully complete T-SPB Form 103, Personal Records System Report. The steps to

be followed to allow an individual to access records, request amendments, or dispute information about themselves shall be included with each T-SPB Form 103.

CDC's IPA Coordinator shall complete and file with the OIP a completed T-SPB Form 103.

CDC's IPA coordinator shall attach to the report submitted to the OIP a copy of CDC's procedures on "How to Inspect and Correct Your Records" that shall explain the procedures to be followed by an individual wishing to access, inspect, amend, or dispute personal information kept by CDC.

#### **Initial Report**

After the initial report is filed with CDC's IPA coordinator and the OIP, only changes in the records systems and/or procedures need to be reported. If no changes have been made in the records system or procedures since the last previous report, a statement that there has been no change is sufficient. For this purpose, CDC Form 1020, IPA Notices of Records System Titles, shall be used and submitted. The local IPA liaison person shall compile and submit their respective reports to CDC's IPA coordinator by March 1 of each year. By March 31, CDC's IPA coordinator shall compile and forward CDC's report to the OIP.

CDC's IPA coordinator may report new records systems or changes anytime during the year to OIP.

Once the annual report is filed with the OIP, CDC's IPA coordinator shall forward copies of the report to the Assistant Director, Communications, headquarters, and to all offices and/or units reporting that they keep personal information.

#### **13030.12 Notice To Individuals**

When CDC collects personal information from individuals, by any means, including the use of forms, a CDC Form 1023, IPA Privacy Statement, shall be given to these individuals.

##### **13030.12.1 Content Of Notice**

The notice shall cover all of the following:

- The CDC name.
- The title, business address, and telephone number of CDC official who is responsible for the system of records and who shall, upon request, inform an individual regarding the location of his or her records and the categories of any persons who use the information in those records.
- The authority, whether granted by statute, regulation, or executive order, which authorizes the maintenance of the information.
- With respect to each item of information, whether submission of such information is mandatory or voluntary.
- The consequences, if any, of not providing all or any part of the requested information.
- The principal purpose or purposes within CDC for which the information shall be used.
- Any known or reasonably foreseeable disclosure which may be made of the information.
- The individual's right to inspect records containing personal information which is maintained by CDC.

##### **13030.12.2 Notice Methods**

This notice shall be given by one of the following methods:

- A notice printed directly on the form requesting information.
- A written policy provided to the person with the form requesting information.
- A CDC Form 1023, filled out and given to the source person.

This notice shall be given at each contact when personal information is requested. When contact is of a regularly recurring nature, an initial notice followed by a periodic notice at not more than one-year intervals shall satisfy this requirement.

##### **13030.12.3 Exceptions To Notice Requirements**

This notice requirement shall not apply to the following:

- Any enforcement document issued by an employee of a law enforcement agency in the performance of his or her duties wherein the violator is provided an exact copy of the document.
- Any accident reportable under the Vehicle Code (VC) when the parties of interest may obtain a copy of the report pursuant to VC 20012.

- CDC requirements for an individual to provide his or her name, identifying number, photograph, address, or similar identifying information, if this information is used only for the purpose of identification and communication with the individual by CDC, except that requirements for an individual's social security number shall conform with the provisions of the Federal Privacy Act of 1974 and subsequent amendments.

#### **13030.13 General Requirements For Information Collection**

To the greatest extent possible, personal information shall be collected directly from the subject of the inquiry rather than from another source. All information collected must be relevant and necessary to accomplish the lawful purpose for which it is collected.

Reasonable efforts shall be made to ensure that all information about an individual is timely, accurate, relevant, and complete.

##### **13030.13.1 Inaccurate Information**

The CDC shall correct, update, withhold, or delete any portion of a record that CDC knows, or has reason to believe, is inaccurate before transmitting or communicating the information to an agency outside of state government.

##### **13030.13.2 Record Of Information Sources**

When information is collected from an origin other than the individual about whom it is collected, a record shall be made of the information source. The record of the source shall be made available to the individual when they inspect the record. The document to be used in recording the origin of personal information shall be CDC Form 1022, IPA Record of Sources. For exceptions see DOM 13030.13.3.

##### **13030.13.3 Exception To Disclosing A Source Of Information**

When the personal information is contained in a document and the individual about whom the information is being collected is given a copy of that document, the origin of the document need not be listed on the IPA Record of Sources. The identity of a source need not be recorded when the source is in a non-supervisory relationship with the individual and the information is given with the promise of confidentiality during an investigation of:

- An applicant for public employment or a state license.
- A grievance or complaint.
- A suspected civil offense.

See DOM 13030.19 and 13030.20 for further information.

##### **13030.13.4 Using Inmates To Collect Personal Information**

Inmates in assignments where they will type, file, or otherwise handle any non-confidential information pertaining to another inmate shall comply with all State IPA requirements.

##### **13030.14 Conditions Of Disclosure**

Records containing personal information may be disclosed or transferred only under the following conditions:

- To the individual to whom the information pertains, unless the information is exempt from access to the individual (See DOM 13030.19).
- To other persons with the prior written, voluntary, and timely consent of the individual to whom the record pertains, if the information is not exempt from access and the consent to disclose has been obtained within 30 days before the disclosure or within the time limit specified in the written consent. The CDC Form 1021, IPA Voluntary Consent to Release Personal Information, shall be used for this purpose.
- To the guardian or conservator of the individual, or a person representing the guardian or conservator, if it can be proven with reasonable certainty that such person is the authorized guardian or conservator of the individual, or their authorized representative.
- To an employee of CDC, as long as the disclosure is necessary for the performance of the employee's official duties and the use to be made of the information is related to the purpose for which the information was obtained.
- To another State agency, when the disclosure is necessary for that agency to accomplish its constitutional or statutory mission and use of the information shall be compatible with a purpose for which the information was obtained.
- To any person where the disclosure is in accordance with the PRA (GC 6250, et seq.) and DOM 13040.
- To a governmental entity when required by State or federal law.
- To a person for statistical research or reporting purposes if adequate written assurance is obtained that the information shall only be disclosed in a form that will not identify any individual.
- To a person when compelling circumstances exist which affect the health or safety of an individual as determined by the agency maintaining the information, unless the disclosure conflicts with state or federal laws. Upon



disclosure the individual to whom the information pertains shall be notified in writing through their last known address.

- To the California State Archives (CSA) as a record which has historical or other value which warrants its preservation by the State.
- To the Director of General Services, or their designee for evaluation to determine if the record may have further administrative, legal, or fiscal value.
- To any person pursuant to a search warrant [except that compliance with PC 832.7 shall be required for the record of a peace officer employee].
- To any person pursuant to the VC 1800, et seq.
- To any person for verification of eligibility and authorization for payment of government health care service claims pursuant to the W&I 1000, et seq.
- To a law enforcement agency when required for investigation of criminal activity unless such disclosure is otherwise prohibited by law. If the request is from a DA, the information shall be disclosed within ten days unless a court determines that the disclosure is not in the public interest or for good cause.
  - C-Files (excluding medical, psychiatric, and confidential) are accessible to the DA or designee upon request, pursuant to GC 6263.
  - Physical access by the DA or designee to medical and psychiatric files is prohibited, pursuant to PC 1543 through 1545 and W&I 5328.01, unless a court order from the court in the county where the files are located has been obtained or release authorization has been obtained from the inmate/parolee whose file is being sought.

The DA or designee is permitted to obtain copies of medical reports/records of the victim(s) and assailant(s) related to any in-custody incident(s)/ assault(s) committed by inmates and subject to possible DA prosecution.

- The DA or designee is authorized to review Confidential files in the presence of designated facility staff to determine whether there is sufficient available information to file criminal charges for in-custody misconduct, (i.e., staff assault/inmate assault).

Requests by the DA or designee for copies of Confidential documents necessary to prosecute in-custody crimes shall be forwarded to the Warden or designee for authorization to release. Confidential documents identified by the Warden or designee as endangering the safety and security of staff, inmates, or the facility and/or deemed too sensitive for release to the DA or designee will not be released without a proper court order.

All other requests by the DA or designee for access to Confidential files to assess information for possible prosecution of crimes occurring in the community will be reviewed by the Warden or designee on a case-by-case basis. The Warden or designee shall factor the need of the DA or designee to obtain relative information and the need to ensure the safety and security of staff, inmates, and the facility.

In the event the DA or designee discovers exculpatory information in the Confidential file during their initial review, or any subsequent review, the DA or designee shall immediately notify the Warden or designee of the discovery and the DA's duty to disclose the exculpatory information to the defense per PC. The DA or designee shall notify the Warden or designee prior to disclosure of such information to the defense in order for the Warden or designee to determine any possible safety concerns and take appropriate action.

Subpoenas for inmate and parole records shall be referred, in accordance with DOM 14010.6.3 to the appropriate Attorney General's (AG) Office identified in DOM 14010.13. Any questions regarding subpoenas or court orders for inmate/parolee records should also be directed to the local AG's office.

- To a person or government entity to the extent required to obtain information from that person or government entity, when necessary for an investigation of a failure to comply with a specific law which CDC is responsible for enforcing.
- To the OIP with the written, voluntary, and timely consent of the individual when necessary for an investigation of a complaint regarding the IPA or for mediation of a dispute.

- To an adopted individual if the information is limited to the general background of the individual's natural parent and does not include or reveal the identity of the natural parent.
- To a child or grandchild of an adopted individual if the information is limited to medically necessary information pertaining to the adopted individual's natural parents and does not include or reveal the identity of the natural parents.
- To a committee or member of the Legislature with the written, voluntary, and timely consent of the individual.
- To the University of California or a nonprofit educational institution conducting scientific research when the request includes the following:
  - The need for the information.
  - Procedures protecting the confidentiality of the information.
  - Assurance that the identity of the individual shall not be disclosed in an individually identifiable form.
- To an insurer if authorized by VC 10900, et seq.
- To any person when the court issues a subpoena duces tecum or other compulsory legal process for the following:

**Note:** Before disclosure, if notification is not prohibited by law, CDC shall reasonably attempt to notify the individual to whom the information pertains.

- A peace officer employee's record. It may be necessary to consult with the LAD, CLU, prior to disclosing a peace officer employee's record because of the restrictions imposed by PC 832.7 (See DOM 14010.6.10.2 for further information).
- Other employee's records. Only the documents specifically named shall be disclosed (See DOM 14010.10.1 for further information).
- An inmate's/parolee's record. Only the C-File shall be provided unless the court specifies other records by title.

### **13030.15 Accounting For Disclosures**

Each operational unit within CDC, including headquarters, division offices/sections/ units, field offices, facilities, and parole regions, shall keep an accurate accounting of the date, nature, and purpose of each disclosure made under the following circumstances:

- To persons or government entities when required by them to perform their constitutional or statutory duties. The use must be compatible with a purpose for which the personal information was collected.
- To a governmental entity when required by State or federal law.
- Under compelling circumstances which affect the health or safety of an individual.
- Under a subpoena, court order, or other compulsory legal process.
- Under a search warrant.
- To a law enforcement or regulatory government entity when required for an investigation of unlawful activity or for licensing, certification, or regulatory purposes, unless otherwise prohibited by law.
- To a person or government entity to the extent necessary to obtain information from the person or entity as necessary for an investigation by the person or entity of a failure to comply with a specific state law which that person or entity is responsible for enforcing.

#### **Also Include**

The accounting shall also include the name, title, and business address of the person or government entity to which the disclosure was made. Routine disclosures pertaining to crimes, offenders, and suspected offenders to law enforcement or regulatory government entities of federal, State, and local government require an accurate accounting. However, if disclosure is made to a government entity when required by state or federal law, it shall be sufficient to record the date of disclosure, the law enforcement or regulatory government entity requesting disclosure, and the purpose of the disclosure (e.g., investigation, licensing, certification, or regulatory purposes).

A CDC Form 819, IPA Personal Information Disclosure Log, shall be used to record disclosures. It shall be retained in the individual's file for three years from the date of disclosure or until the record is destroyed, whichever is earlier. The individual about whom information is disclosed is entitled to inspect this document, except information that is exempt pursuant to DOM 13030.19.

### **13030.16 Access To Records**

*July 23, 1997*

Each individual has the right to inquire and be notified whether CDC maintains a record about him or her. Any inquiry shall specify the name and title of the records system as filed with the OIP. Inmates are granted access and review of

information pertaining to themselves under case law (Olson v. Pope (1974) 37Cal.App.3d783, 112Cal.Rptr.579) and this section.

The individual shall be permitted to inspect and obtain an exact copy of all or any portion of any nonexempt personal information about themselves even when it might be kept under the name of another person, entity, event, or date or among other records systems.

The individual may permit another person of their choosing to inspect all nonexempt personal information in a record and have an exact copy of all, or any portion, of the record. The individual must sign a CDC Form 1021, before such disclosure may be permitted.

The individual shall be permitted to inspect the accounting of disclosures made in accordance with this section, except that exempt information contained in the accounting shall be withheld.

#### **13030.16.1 Availability Of Procedures To Access Records**

Upon written request, the office with the individual's record shall furnish the requester a copy of CDC's procedures to be followed to gain access to or amend a record (For a model, see "How to Inspect and Correct Your Records."

The information contained in this form shall include the following:

- The name, title, and business address of the person to contact for each record system and to whom to appeal if all, or any part, of the request is denied.
- Whether the request needs to be in writing.
- Where and when records may be inspected in person, including the regular office hours (See DOM 13030.21 and 13030.26 for further information).
- Fees to be charged for photocopying information (See DOM 13030.26.3 for further information).
- Notice that proof of identity, such as a valid driver's license or notarized signature, shall be required when the individual's identity (or the identity of the individual's representative) is not known to the keeper of the records.
- Example of information likely to be exempt from access.
- Approximate time frames in which CDC shall:
  - Respond to a request for inspection.
  - Respond to a request for copies.
  - Respond to a request to amend a record.
  - Respond to a request to appeal a refusal to amend a record. (See DOM 13030.26, 13030.27, 13030.27.2, and 13030.28 for further information.)
- Limitation on what shall be accepted as a rebuttal to information in the record.

The individual requesting any record containing personal information shall sign an acknowledgment of penalties for requesting or obtaining records under false pretenses, CDC Form 1019, IPA Statement of Penalties.

#### **13030.17 Processing Requests For Personal Information**

##### **Employee Records**

When a request is received for personal information regarding an employee, the request shall be forwarded to the employee's immediate supervisor. The supervisor shall:

- Contact the personnel assistant who maintains the employee's file.
- Request the file be examined for exempt information.
- Request that exempt information be properly identified and protected from disclosure in keeping with this section.
- Request that all nonexempt disclosable information be made available for the employee's inspection, or for inspection by the employee's authorized representative (See DOM 13030.14 for further information).
- If the information is exempt from disclosure, notify the requesting party that CDC can not comply with the request to disclose the information.

Particular attention shall be given to requests for personal information about peace officer employees because of the restrictions imposed under PC 832.7 (See DOM 14010.15.1 for further information).

It may be necessary to contact CDC's LAD, CLU, for guidance concerning the disclosure of peace officer employee records.

#### **Inmate/Parolee Records**

When a request is received for personal information regarding an inmate or parolee, the request shall be forwarded to the caseworker assigned to the case. The caseworker shall:

- Review the request to determine if the requested information is exempt from disclosure.
- If the information is not exempt from disclosure, make arrangements to disclose the information (See DOM 13030.21 for further information).
- If the information is exempt from disclosure, notify the requesting party that CDC cannot comply with the request.

##### **13030.17.1 Denial Of Request**

Any denial of a request to inspect a record shall contain the reason(s) for the denial and CDC's policy, How to Inspect and Correct Your Record relating to requesting a review of the decision to deny access to a record. Appeals of this denial shall be the same as for an appeal of a refusal to amend a record (See DOM 13030.28).

##### **13030.17.2 Screening A Record For Exempt Information**

A CDC employee who has been trained and specifically designated (see DOM 13030.3.1 for further information) as an authorized discloser of exempt personal (formerly confidential) information shall examine all material in the file or record prior to any inspection by the requester, the requester's attorney, or any person designated by the requester. Caseworkers (for inmate/parolee records) or personnel assistants (for employee records) generally are designated to examine records for exempt personal information.

The purpose of the screening is:

- To evaluate material already classified as exempt or nonexempt to reaffirm the validity of the determination.
- To classify materials as exempt or nonexempt according to the CCR 3321 and DOM 13030.19 of this manual.
- To prepare CDC Form 810, Confidential Information Listing; CDC Form 811, Confidential Information Removal Notice; or CDC Form 811-A, Confidential Information Removal Notice.
- To ensure that all exempt material is removed from an employee's file or is placed in the Confidential Material Folder for inmate/parolee C-files, so as not to be improperly disclosed (See DOM 13030.3 and 13030.18 for further information).

##### **13030.17.2.1 Identifying Exempt Information**

When an employee feels a document in an inmate/parolee C-file contains exempt personal (formerly confidential) information, the document shall be forwarded to a staff person at the level of Correctional Counselor III (CC-III), Parole Agent III (PA-III), or higher, with a recommendation for approval of the designation of "Confidential". The staff person approving the designation shall ensure that the document is handled as required in DOM 13030.17.4.

- An employee who feels a document should be designated "Confidential" shall hand deliver the document to the CC-III/ PA III, if feasible. If not, follow instructions in DOM 13030.31.

##### **13030.17.2.2 Classification Committee Review**

Every classification committee shall review the documents in the Confidential Material Folder of each case being considered. If the designation of "Confidential" assigned to any document is no longer warranted, the document shall be reclassified. The classification committee chairperson shall ensure that the procedures for returning declassified documents to their assigned place in the C-file, as outlined in DOM 13030.17.4, are followed.

##### **13030.17.3 Difference Of Opinion About Confidential Designation**

When the examiner disagrees with a prior designation of confidential or non-confidential, the examiner shall forward the document to the appropriate staff person for designation or declassification as outlined in DOM 13030.17.2.1.

Where a difference of opinion cannot be resolved in this manner, the examiner shall refer the matter to their immediate supervisor in headquarters, to the associate Warden in a facility, or to the assistant RPA in a parole region. When a significant and consequential difference of opinion between staff cannot be resolved, the matter shall be referred to the Warden, RPA or (in headquarters) the deputy or assistant director.

##### **13030.17.4 Preparation Of Exempt Personal Information In Inmate/Parolee Records**

If an entire document is classified as exempt, the originator of the document or the person designating it as confidential shall:

- Conspicuously stamp the document at its top and bottom with the word "Confidential" in red ink. If the document consists of more than one page, each page shall be so marked.

- Date and sign the designation of confidential.
- Note the document in the C-file on CDC Form 810.
- Replace the document with a completed CDC Form 811 or 811-A.
- Place the document marked CONFIDENTIAL in the Confidential Material Folder (See DOM 13030.18 for a description of the Confidential Material Folder).

#### Mixed Information

If a document contains a mixture of exempt and nonexempt information, the originator or the person designating it as confidential shall:

- Conspicuously stamp the document at its top and bottom with the word "Confidential" in red ink. If the document consists of more than one page, each page shall be so marked.
- Date and sign the designation of confidential.
- Cover the exempt portions and make a photocopy which shall be included in the nonexempt portion of the C-file to be disclosed.
- Place the original document containing the exempt information in the Confidential Material Folder.
- Note the exempt information on the CDC Form 810.

#### Leave Information

The Confidential Information Listing and Confidential Information Removal Notice shall be left in the C-file when requester inspects the C-file.

When a designation of confidential is removed from a previously confidential document, the examiner shall ensure that:

- The document is removed from the Confidential Material Folder and returned to its regular place in the C-file.
- A line is drawn through the identifying confidential designation.
- The redesignation as no longer confidential includes the date and signature of the examiner.
- The document is deleted from the CDC Form 810.
- The CDC Form 811 or 811-A is removed from the record.

#### Obsolete Information

Confidential Information Listing forms made obsolete by the designation, or re-designation of confidential material shall be removed from the record and destroyed and an updated Confidential Information Listing shall be inserted by the examiner.

#### 13030.18 Confidential Material Folder

When it becomes necessary to create a Confidential Material Folder, it shall consist of a letter size manila folder clearly marked **Confidential Case Records—Central File**. It shall be marked with the inmate's/parolee's name and Departmental Identification Number (CDC number). Into this folder shall be placed all records which are, or contain, exempt personal (formerly confidential) information.

The responsibility for the preparation of the Confidential Material Folder shall rest with the originator of a document or the examiner when the first instance arises which requires the separation of exempt personal (formerly confidential) information from the main body of the C-file.

#### Placement of Folder

The Confidential Material Folder shall be attached to the inside of the C-file back cover, the confidential section of the C-file, by means of a drop device and an "ACCO®" fastener. This will permit the folder's secure retention in the C-file during its use by employees, and it will permit the folder's removal from the C-file when the non-confidential portion of the C-file is disclosed to persons not authorized access to the exempt personal (formerly confidential) portions of the C-file. When the Confidential Material Folder is removed from the C-file, it shall be retained in the records office.

#### Retention of Folder

The Confidential Material Folder shall remain a permanent part of the C-file. The contents of the Confidential Material Folder shall not be returned to its normal position in the C-file until, or unless, the confidential designation is removed and the information is no longer exempt from disclosure. Exceptions may be made on a temporary basis to facilitate special circumstances, i.e. confidential BPT addenda and permanent addenda.

Except for the temporary exceptions mentioned above, all information designated as confidential shall be placed, and retained, in the Confidential Material Folder.

#### 13030.19 Exempt Personal Information Withheld From Individual

The CDC is not required to disclose personal information to the individual about whom the information pertains, if the information meets any of the following criteria:

- Is compiled for the purpose of identifying individual criminal offenders and alleged offenders and consists only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status.
- Is compiled for the purpose of a criminal investigation of suspected criminal activities, including reports of informants and investigators, and is associated with an identifiable individual.
- Is contained in any record which could identify an individual and which is compiled at any stage of the process of enforcement of the criminal laws, from the arrest or indictment stage through release from supervision, including the process of extradition or the exercise of executive clemency.

#### For Investigative Purposes

- Is maintained for purpose of an investigation of an individual's fitness for licensure or public employment, or of a grievance or complaint, or of a suspected civil offense, as long as the information is withheld only so as not to compromise the investigation or a related investigation. The identities of individuals who provided information for the investigation maybe withheld when the provisions of DOM 13030.13.3 are met.
- Would compromise the objectivity or fairness of a competitive examination for appointment or promotion in public services, or to determine fitness for licensure, or to determine scholastic aptitude.

#### Condition of Individual

- Pertains to the physical or psychological condition of the individual, if determines that disclosure would be detrimental to the individual. The information shall, upon the individual's written authorization, be disclosed to a licensed physician designated by the individual. When a determination is made that information is exempt under this exclusion, it shall be documented as follows:
  - For employees, a physician shall make a statement on the document (or attach a statement to the document) that disclosure of the information would be detrimental to the person about whom it was prepared.
  - For inmates/parolees, a physician shall prepare a CDC Form 128C, Medical Chrono, stating that disclosure of the information to the inmate/parolee would be detrimental. The chrono shall be placed in the C-file and a copy shall be attached to the document.
- Relates to the settlement of claims for work-related illnesses or injuries and is maintained exclusively by SCIF.
- Is required by statute to be withheld from the individual to whom it pertains.

#### 13030.20 Deletion Of Source Information

Where a source person, not in a supervisory relationship to the individual, provides nonexempt information to CDC under a promise of confidentiality, the information shall be fully disclosed unless the information is otherwise exempt from disclosure. However, the identity of the source shall, in this circumstance, be withheld. The individual must either be allowed access to an exact copy of the information with only the source person's identity deleted or they must be provided with a comprehensive summary of the substance of the information, with particular attention to providing any nonexempt personal information that could affect the individual's reputation, rights, benefits, or privileges (See DOM 13030.13.3 for further information).

#### 13030.21 Scheduling Inspection Of Nonexempt Records

Upon receipt of a proper written request, the inspection of records shall be scheduled as soon as possible by the caseworker, or personnel assistant, but no later than:

- Thirty days from the date the request is received in CDC for active records.
- Sixty days from the date the request is received in CDC for inactive records in central storage or for records which are geographically dispersed.

Failure by CDC to respond within these time limits shall be deemed a denial to access of the record.

All inspections of departmental records shall be supervised by a Department employee.

#### Location of Review

Inspection of a file kept by CDC shall take place at the location where the record is usually maintained. The following exceptions may apply:

- If a court orders a file to be inspected at another location, CDC shall comply with the court order.
- An attorney, who has obtained written, voluntary, and timely authorization from the person about whom the personal information is kept, may request to inspect a record at a departmental office or facility near the attorney's office.
- The person approving a request to inspect a record at an alternate location may, upon written request, approve the alternate site for the inspection only after receiving permission from the head of the office where the proposed inspection is to take place.

### **13030.22 Inmate/Parolee Review Of Case Records**

Upon proper written request, an inmate or parolee [or, with proper authorization (see DOM 13030.14 for further information), their attorney or representative] shall be permitted to review their record ten days prior to any BPT or NAEA meeting for any of the following:

- Reviewing eligibility for parole, release, or return.
- Setting, postponing, or rescinding a parole/release date.
- Evaluating an appeal of good time credit denial.

Compliance with DOM 13030.17.4 and 13030.20 shall precede any disclosure of a record.

### **13030.23 Information Available To The Public Or News Media**

Although CDC records and files containing personal information identifying an individual are not public records and shall not, at any time or under any circumstances, be made accessible to the public or news media, non-personal information obtained from such records and files may be disclosed to individual members of the public and the news media without the individual's consent. Information shall be disclosed only by CDC employees who have been trained and specifically designated to disclose personal information (See DOM 13030.3.1 for further information).

When responding to a request from the news media, the identity of the requester shall be determined, and the information disclosed shall be related to a current newsworthy event.

#### **13030.23.1 Guidelines: Employee Information**

##### **Released**

The following information about employees may be released:

- Class title.
- Class salary range.
- Work location.
- Work telephone number.
- Role or function in a newsworthy event.
- Records of adverse actions. A notice of such action filed with SPB is accessible to the public, just as hearings on appeals are considered open to the public, with rare exceptions to protect minors, wards, and patients under special circumstances.

##### **Not Released**

The following information is exempt and shall not be released:

- Photographs of the individual or their family members.
- Home address and telephone number.
- Performance evaluations unless they are at issue in an adversarial proceeding.

#### **13030.23.2 Guidelines: Criminal Offender Record Information**

CDC employees shall not use the SSCH Information from CI&I to furnish information about an inmate's arrest history to the inmate's family, friends, prospective employers, the news media, or the public. Persons who are not authorized by State DOJ to receive the CI&I SSCH but who have a legitimate interest in the inmate's past history may be given information from other nonexempt documents in the inmate's C-file.

Any person authorized by law to receive the CI&I SSCH, who knowingly furnishes the record or information to a person not authorized by law to receive it is guilty of a misdemeanor.

Only the CCRM of headquarters and each facility or regional parole office shall release CI&I SSCHs, and they shall be released only to those agencies authorized by State DOJ to receive CI&I SSCHs.

State DOJ Guidelines for Dissemination of Criminal Offender Records Information shall be maintained in the records office at headquarters, facilities and regional parole offices.

### **Photocopy**

When an inmate seeks to obtain a photocopy of a CI&I SSCH, they shall be instructed to complete a BCID Form 8705, Application to Obtain Copy of State Summary Criminal History Record, and a Trust Account Withdrawal Form in the amount of \$25.00 payable to DOJ. If there is an extra completed fingerprint card in the inmates C-file, it may be used with this application. Otherwise the inmate shall be fingerprinted. The records office shall forward the BCID Form 8705, the inmate's check, and the fingerprint card to DOJ for the inmate. There shall be no charge for these services by CDC employees.

When an employee, parolee, or their attorney seeks to obtain a photocopy of a CI&I SSCH, they shall be referred to DOJ, the local sheriff, or the local police department to file an application for a CI&I SSCH.

#### **13030.23.3 Guidelines: Inmate/Parolee Information**

##### **Not Exempt**

Unless inmate/parolee information is classified as exempt, it may be disclosed. The following inmate/parolee information is not exempt [See DOM 13030.23.4 for guidelines on CYA ward information]:

- Age.
- Date of birth.
- Birthplace.
- Race.
- CDC identification number.
- Commitment offense for the current term of imprisonment and any prior commitments to prison.
- County(ies) from which committed.
- Any pending court action or records of court proceedings.
- Facility or field parole office having jurisdiction of the case.
- Anticipated date of release to parole or discharge.
- BPT hearing schedule and actions.
- Nature of an injury.
- Cause of death.
- The individual's role, functions, or actions relating to a newsworthy event.

##### **Exempt**

The following information is generally exempt from disclosure:

- Personal information about the inmate/parolee, except as provided above.
- Personal information about the inmate's/parolee's family, relatives, friends, associates, or former employer.
- Any other information about the inmate/parolee which is not relevant, pertinent, or directly related to a current newsworthy event or which may affect the safety of the inmate.

#### **13030.23.4 Guidelines: CYA Ward Information**

No photographs or other information which pertains to a CYA ward or which identifies an individual as a ward shall be released to the media or to the public without CYA approval. This includes adult Superior Court commitments as well as Juvenile Court commitments covered by specific statutes. When a compelling reason or need exists, CDC shall obtain CYA approval prior to disclosing any information concerning a CYA ward.

#### **Guidelines: Methadone Patient Information**

##### **With the Patient's Consent**

##### ***Revised September 25, 2007***

If the patient gives prior written consent, designated employees (see DOM 13030.3.1 and 13030.17.2 for identifying "designated employees") may disclose necessary written or verbal information to the following persons:

- The patient's attorney.
- The patient's immediate family members as defined in Section 3000 of the Title 15, unless the person responsible for treatment believes the disclosure would be harmful to the patient.
- Employers and employment agencies when the information may assist in the patient's rehabilitation.
- A criminal justice agency which requires methadone maintenance as a condition of release, probation, parole, the disposition or status of any criminal proceedings against the patient, or pursuant to the execution or suspension of any sentence imposed upon the patient.
- Licensed physicians when the disclosure is necessary for them to furnish medical services to the patient to whom the personal information pertains.
- Licensed physicians when necessary to provide continued methadone maintenance when the patient is traveling, incarcerated, or hospitalized.

### Document

Such disclosures shall be documented as follows:

- The name of the patient or assigned program case number.
- The time and date of the disclosure.
- The information disclosed.
- The names of individuals by whom and to whom the disclosure was made.
- The purpose for the disclosure.

**Note:** Consent to disclose information under this section may not be revoked for 60 days or until the condition for which it was given has terminated, whichever is later.

### Without the Patient's Consent

If the patient does not give prior written consent, designated employees may disclose information verbally or in writing to the following persons:

- Licensed physicians to the extent required to meet a bona fide medical emergency if, upon disclosure, CDC sends notification to the patient's last known address and the disclosure does not conflict with other state or federal law.
- Persons authorized by a court order to receive such information if, before disclosure, CDC attempts to notify the individual unless the notification is prohibited by law.
- Qualified persons conducting authorized scientific research, management audits, financial audits, or program evaluation. The identity of individual patients shall not be disclosed, either directly or indirectly, in any resulting report.

### 13030.24 Reporting No Record When A Record Exists

In limited instances CDC may respond to a request for personal information that no records are kept by CDC, even though nonexempt information is kept. This exception is very limited and requires a court order pursuant to CC 1798.41(c).

CDC may seek to use this exception only if disclosing the information would:

- Seriously interfere with attempts to prevent the commission of crime, or
- Endanger the life of an informant or other person who submitted the information contained in this record.

In order to bar disclosure of nonexempt personal information under this rule, the presiding judge of the superior court in the county in which the record is maintained must review the record in camera. If the judge agrees that the information meets the above criteria, the court issues an ex parte order authorizing CDC to respond to the requester that no record is maintained, even though CDC maintains a record.

### Duration of Court Order

The maximum effective life of such order shall be no longer than 30 days. CDC may seek renewals of the order at 30-day intervals. If an order expires, and CDC receives another request to disclose the nonexempt personal information, CDC would be required to obtain another court order or disclose the information.

### Requests for Court Order

When a request for disclosure of information is received and the reviewer feels that the one, or more, of the above circumstances exist, the reviewer shall:

- Contact the Office of the AG (see DOM 14010.18.1) and request that the Attorney General seek an ex parte order authorizing CDC to respond to the person requesting the information that no record is maintained by CDC.
- Provide sufficient justification to the Office of the AG to allow that office to approach the court and show cause why the information (otherwise not exempt from disclosure) should be withheld and why the ex parte order should be issued by the court.

### 13030.25 Transfer of Personal Information

Prior to the transfer of a record, particularly to another jurisdiction, the record shall be reviewed, corrected, and updated, and any portion known or believed to be inaccurate or untimely shall be withheld. Records are cumulative, and the accuracy and validity of information in the record is accomplished through continual updating and scheduled purging of outdated and unneeded information.

### 13030.26 Method of Disclosure

The CDC shall present the information in a form reasonably clear to the general public. When the person to whom disclosure is made has difficulty understanding material contained in a record, the employee supervising the inspection of the record shall make a reasonable effort to help the person understand the record.

### 13030.26.1 Charges For Staff Services

There shall be no charge for staff services in supervising the inspection of a file during normal business hours by the requester, a requester's attorney, or any person designated and authorized by the requester to inspect the file.

When a person requests inspection of a file or record outside of CDC's regular business hours for the office in which the inspection will take place, CDC may, at its discretion, grant or deny the request. When CDC grants the request, the requesting person shall be notified that a charge may be made to reimburse CDC for any costs incurred in supervising the inspection of records outside of regular business hours and the amount of any charge.

The decision to grant or deny a request to inspect a file or record outside of regular business hours shall be made by the deputy or assistant director over a headquarters unit or the Warden or RPA with administrative control of the unit retaining the file or record to be inspected.

### 13030.26.2 Note-Taking During Disclosure

Notes may be taken during the inspection of a record. Notes shall be limited to brief references to specific documents the person intends to question or discuss with employees after the completion of the file review or to specific documents the person may decide to have copied. Verbatim copies of completed documents or lengthy portions of documents shall not be permitted during the inspection.

No person shall be permitted to use any pen and/or ink writing instrument during note-taking in the process of inspecting a departmental record. Only pencils may be used for the taking of notes.

### 13030.26.3 Copies of Records

*July 23, 1997*

When copies of arrest reports are requested by the subject of the report, they shall be referred to the agency where the report originated.

Copies of nonexempt information shall be provided to the requesting party, or their designee, when permitted by this section. All requests for copies of any record shall be in writing, and it shall clearly identify the document or material to be copied.

Requests for photocopies of documents shall be referred to the person who reviewed the request prior to disclosure for exempt information (For additional information on copying services, see DOM 13030.16.1, and 13040.20).

Upon a showing of a reasonable need to have a copy of a document, and upon payment of ten (10) cents per copied page, the requested copies shall be made and transmitted to the requesting party within 15 days of receiving the request.

There may be instances where a request to review a record is based upon the requester's need to obtain a copy of one, or even several, specific documents contained in a file. In those cases it may best serve the needs of CDC to provide those copies (if the information is disclosable) rather than have an employee supervise a full inspection of the record by the requesting party. No charge shall be made when copies are furnished in lieu of a physical inspection of the full record.

### 13030.26.4 Staff Answering Questions During Record Inspection

An employee supervising the inspection of a record may answer questions about nonexempt information contained in or related to the records or refer the requester to the person who examined and approved the record for inspection.

Employees shall not engage in debates, justification, or discussions regarding departmental actions. Employees shall make genuine, reasonable efforts, when requested, to assist the requester in understanding nonexempt information being inspected. This could include, but is not limited to, reading a document (if the requester is illiterate), and explaining abbreviations and acronyms used by CDC.

### 13030.27 Requests to Amend Records

Any person seeking to correct or amend a record CDC obtained from another agency shall be directed to make their request to the agency from which the record originated.

Any person about whom CDC maintains any record of personal information may request that the information be amended to correct outdated, inaccurate or incomplete information.

Requests to amend any record maintained by CDC shall be directed to:

- The source of the contested information if the source is a departmental official or employee who is responsible for the contested information's placement or retention in the record or file.
- The keeper of the record being contested if the source person is not as described above or if the source person is no longer available.

**13030.27.1 Contents of Requests to Amend Records**

Any request to amend a CDC record shall be in writing and shall contain at least the following:

- Sufficient specific identifying information to permit CDC to locate the record and the specific portion of the record that is to be considered for amendment.
- The information the requester alleges should be amended.
- Those amendments the requester feels should be made.
- Full documentation to support and justify the amendment.

**13030.27.2 Responses to Requests to Amend Records**

The CDC shall, within 30 days:

- Make each amendment in accordance with the individual's request and inform the individual of the amendments; or
- Inform the individual of CDC's refusal to amend the record, the reason for the refusal, and the process established by CDC for the individual to request a review of any refusal to amend the record (See DOM 13030.28 for further information).

**13030.28 Appeals on Refusal to Amend Records****Inmate/Parolee Appeals**

When an individual disagrees with CDC's refusal to amend a record, they may request CDC review that decision. Requests submitted by inmates and parolees for CDC to review a decision not to amend a record shall follow the inmate/parolee appeal process, and shall be submitted on CDC Form 602, Inmate/Parolee Appeal (refer to DOM 54100 for information concerning inmate/parolee appeals).

For requests submitted by employees and other than inmates and parolees, the first level of review shall be the Warden, RPA or division head (in headquarters). The second level of review shall be the Director.

For appeals from employees and persons other than inmates and parolees, the request shall be in writing and shall include the following:

- A copy of all previous requests to amend and any prior correspondence concerning amending the record.
- A copy of all previous CDC responses and any prior correspondence concerning the request to amend the record.
- A full statement explaining why the individual disagrees with CDC's denial.
- Full documentation to support and justify the request to review the refusal to amend the record.

**Length of Review Period**

Responses to requests to review a decision denying a correction or amendment to a departmental record shall be made no later than 30 days from the date of receipt within CDC. Upon a showing of good cause, CDC may extend the review period up to 30 additional days (for a total of not more than 60 days from the receipt of the request). The individual requesting a review shall be notified that CDC extended the response time and the reasons establishing good cause to extend the response time.

Inmate/parolee appeals shall be handled within the established time limits for appeals.

**13030.29 Statement of Disagreement**

If the individual continues to be dissatisfied after the above review process has been completed, and the denial of the request to amend has been upheld, a statement of disagreement may be placed in the record by the individual about whom the information pertains.

Where the disputed information is an opinion, diagnosis, etc., of another person, the individual may place in the record a rebuttal or a counter opinion, diagnosis, etc. While no arbitrary limit is placed upon the length of the statement, the statement must be limited to a length reasonable to the circumstance or information disputed (normally from one to three pages).

**13030.29.1 Effect of Statement of Disagreement**

When a statement of disagreement is placed in the record, the original record shall not be altered. The statement of disagreement shall be made available to any person eligible to review the disputed information, and when the disputed information is disclosed, the statement of disagreement shall be included with the disclosure. If the statement of disagreement contains exempt personal information, for the purpose of future disclosure, it shall be screened, classified, and treated like any other information in the record. Any decision based upon the

disputed information shall include a review of the statement of disagreement and a consideration of its contents.

Any disclosure of disputed information and a statement of disagreement shall include a concise statement of the reasons for CDC's decision not to alter the original record.

The statement of disagreement shall remain a part of CDC's record as long as the disputed information is retained in the record.

**13030.30 Security of Records**

Inmates and parolees shall not be used to gather, process, maintain, or handle exempt personal (formerly confidential) information. The use of inmates to process nonexempt information shall be minimized.

Administrative, technical, and physical safeguards shall be established and implemented to ensure compliance with the provisions of this section, to ensure the security and confidentiality of records, and to protect against reasonably anticipated threats and hazards which could result in damage to, dissemination of, or destruction of departmental records.

Records shall not be taken from their usual place of use or storage unless specifically approved by policy or procedures. Records shall not be taken off state property without the express permission of the Warden; RPA; Deputy Director, LAD; or their designees.

Records containing exempt personal (formerly confidential) information shall be stored in locked areas designed to protect the privacy and integrity of the records. When exempt personal information is not under the physical control and observation of a person authorized to review it, the record shall be returned to the locked area.

The authorized person reviewing exempt personal information shall assure its security while it is under their control.

Immediately after they have served their purpose, all preliminary drafts, carbon sheets, plates, stencils, stenographic notes, work sheets, and similar items shall be destroyed by the person responsible for their preparation.

**13030.31 Mailing Personal Information**

Exempt personal information shall be mailed in two envelopes as follows:

- The outer envelope shall be addressed in the normal manner, and it shall not be marked with any indication that exempt personal (formerly confidential) information is enclosed.
- The inner envelope shall be marked in one of two ways:
  - "CONFIDENTIAL to \_\_\_\_\_ unit." This envelope may be opened only by unit staff and handled in the manner, or
  - "CONFIDENTIAL to \_\_\_\_\_ unit. Mr./Mrs. \_\_\_\_\_ only." This envelope shall be opened by the designated person. Employees should be aware that if the designated person at the address is not available, the package or envelope shall not be opened until that person is available or other permission is obtained from the sender.

**13030.32 Retention and Destruction of Personnel Information**

The CDC records shall be retained only as approved on STD Form 73, Records Retention Schedule (RRS), and DOM 72010. Every effort shall be made to protect the privacy of the information when it is being destroyed. All personal information in departmental records shall be shredded by hand or by machine.

Personnel records shall not be combined with non-personal records when being shipped, mailed (see DOM 13030.30 for further information), or transported for destruction.

**13030.33 Civil Remedies and Penalties**

Any individual may initiate a civil action if CDC:

- Refuses to comply with an individual's lawful request to inspect their records.
- Fails to maintain any record concerning an individual with accuracy, timeliness, and completeness where the failure results in a determination adverse to the individual about whom the information pertains.
- Fails to comply with the IPA in such a way that it has an adverse effect on the individual about whom the information pertains.

**Court May**

In any suit brought against CDC, the court may:

- Examine the contents of any record to determine whether the records may be withheld as being exempt from the individual.
- Award to the individual reasonable attorney's fees and other litigation costs, including payment for mental suffering, if the court's finding is adverse to CDC.

### Penalties

Penalties for noncompliance with the IPA are as follows:

- Any employee of CDC who intentionally violates any part of the IPA shall be subject to adverse action, including termination of employment.
- Any person who requests or obtains any record containing personal information from CDC under false pretenses shall be guilty of a misdemeanor and may be fined up to \$5,000, or imprisoned up to one year, or both.
- The intentional disclosure of medical, psychiatric, or psychological information is punishable as a misdemeanor if the wrongful disclosure results in economic loss or personal injury to the individual, except when the disclosure is required or permitted by law.

### 13030.34 Revisions

The Deputy Director, ASD, or designee is responsible for ensuring that the contents of this section are kept current and accurate.

### 13030.35 References

*Revised July 23, 1997*

CC § 1798, et seq. (IPA).

EC § 1040, et seq.

GC §§ 6250, 6252(b), 6254(b), 6263, and 14740 - 14750.

PC §§ 832.7, 1543 - 1545, 2081, 2081.5, 2082, 11105, and 11140.

W&I §§ 1000 and 5328.01.

5 USC 552 and 552a.

CCR (15) (3) §§ 3321 and 3450, et seq.

SAM §§ 1665 - 1673.2.

DOM §§ 13040, 14010, 54100, and 72010.

Olson v. Pope (1974) 37Cal.App.3d783, 112Cal.Rptr.579.

## ARTICLE 16 — PUBLIC RECORDS

*Revised January 2007*

### 13040.1 Policy

All records of the Department of Corrections and Rehabilitation (CDCR) shall be safeguarded, maintained, and disclosed in compliance with the Government Code (GC) Sections 6250, 6275, 6276, et seq., Public Records Act (PRA).

### 13040.2 Purpose

This Article specifies staff responsibilities for the collection, maintenance, and disclosure of records identified as public records.

### 13040.3 General Review

When a written request is received to provide access to or copies of a CDCR record, staff shall look first to the provisions of the PRA in this article to determine if the record may be disclosed. If it is a public record, and the record contains personal information, the employee shall look to the provisions of Department Operations Manual (DOM), Chapter 1, Article 15, Information Practices, to determine if the personal information is exempt from disclosure under the Information Practices Act (IPA).

### 13040.4 Definitions

**Public Record** - Includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

**Writing** - Any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

### 13040.5 Security of Records

When the public is inspecting any record, an employee who shall ensure the security and integrity of the record shall directly supervise the inspection. The removal of any document or the altering of any record during a public inspection is prohibited. Note taking shall be limited in accordance with the provisions of DOM Chapter 1, Article 15, Information Practices.

### 13040.6 Designation of Public Records Act Coordinator

Each CDCR Division, Branch, Office, Institution, Parole Region, and the Prison Industry Authority (PIA) shall have a designated Public Records Act Coordinator.

### 13040.7 Public Records Request

When a request for records is submitted on CDCR Form 1432, Request to Inspect Public Records, or other method, the recipient of the request shall give the request to his or her PRA Coordinator for processing. If the requested records are maintained by the recipient location, then the PRA Coordinator for the recipient location shall process and respond to the record request. If the requested records are maintained at a different location, the recipient PRA Coordinator shall immediately forward the request to the appropriate PRA Coordinator for response.

### 13040.7.1 Responsibility of All Employees

All employees who are public liaisons shall be made aware of the procedures established for public inspection of CDCR records through this Article. Employees shall be sensitive to any request from the public for the review of any records.

### 13040.7.2 Responsibility of Public Records Act Coordinator

The PRA Coordinator shall:

- Determine whether requested records are publicly disclosable in whole or part. Any questions concerning whether a requested record may be publicly disclosed shall be directed to the Office of Legal Affairs.
- Log and track the request in the Public Records Act Tracking System (PRATS).
- Respond to the request within 10 days.
- Gather and perform any necessary redaction of exempt information contained in the requested records.
- Provide or coordinate the supervision of records inspection by the public.
  - Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
  - Describe the information technology and physical location in which the records exist.
  - Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

### 13040.8 Guidelines for Inspecting Public Records

The CDCR's headquarters and each institution, facility, parole region, and field or PIA office shall maintain a supply of CDCR Form 1431, Guidelines for the Inspection of Public Records, and CDCR Form 1432, Request to Inspect Public Records. Upon written/verbal request from any member of the public or any inmate/parolee, a copy of either form shall be provided, free of charge for their use in making a request to inspect public records.

### 13040.9 Notice to the Public

The CDCR's headquarters and each institution, facility, parole region, and field or PIA office shall display a conspicuous notice to the public at each main point of entrance used by the public. The notice shall contain the guidelines for inspection of public records, as provided in CDCR Form 1431.

### 13040.10 Hours of Inspecting Public Records

When public records are disclosed, they shall be made available by appointment for inspection during regular business hours.

### 13040.11 Where to Make a Request for Records

A request to inspect a public record may be mailed, emailed, faxed, or personally delivered to any unit or office of CDCR, in writing or by completing CDCR Form 1432. Requests to inspect public records may also be submitted verbally in person or via telephone. To avoid a misunderstanding of the information requested, the receiver of the request should encourage the requester of a verbal request to submit the request in writing.

### 13040.11.1 Retention of Public Records Act Requests

Public Records Act requests shall be maintained for at least 3 years or until the requested record is destroyed, whichever is shorter.

### 13040.12 Specifically Included Public Records

The following CDCR records are included in the general category of public records:

- California Code of Regulations (CCR), Title 15, Crime Prevention and Corrections.
- Non-confidential DOM and CDCR procedures.
- Director's bulletins and directives.
- Non-confidential local operational plans and procedures.

### 13040.13 Disclosure of Information

The CDCR shall disclose information about an incident, arrest, or complaint as outlined below, unless the disclosure would endanger the safety of a witness or other person involved in the investigation or the successful completion of an investigation or a related investigation per GC 6254, et seq., or disclosure is prohibited by law (see Chapter 1, Article 15, Information Practices).

#### **Disclosure of Information Concerning an Incident**

The following information concerning an incident shall be disclosed to those persons listed in the next section: Who Can Receive Information Concerning an Incident.

- The name and address (use the business address for CDCR employees) of persons involved in or witnesses (other than confidential informants) to an incident.
- The description of any property involved.
- The date, time, and location of the incident and all diagrams.
- The statements of all parties involved in the incident and the statements of witnesses (other than confidential informants).

#### **Who Can Receive Information Concerning an Incident**

Only the following shall receive information concerning an incident:

- A judicial, law enforcement, or regulatory agency when required for the performance of their lawful duties.
- The victim of the incident.
- An authorized representative of the victim.
- An insurance carrier against which a claim has been or might be made.
- Any person suffering bodily injury or property damage or loss as a result of the incident caused by:
  - Arson.
  - Burglary.
  - Fire.
  - Explosion.
  - Larceny.
  - Robbery.
  - Vandalism.
  - Vehicle theft.
  - Use of a motor vehicle, aircraft, or water vehicle in a manner which intentionally inflicted death or injury.
  - Violation of Vehicle Code 23152 or 23153.
  - The immediate act of fleeing the scene of a crime in which the person knowingly and willingly participated.

#### **Disclosure of Information Concerning an Arrest**

The following information concerning an arrest shall be disclosed:

- Full name and occupation of every individual arrested.
- A description of every individual arrested which includes the following:
  - Date of birth.
  - Color of eyes and hair.
  - Sex.
  - Height.
  - Weight.
- Time and date of the arrest.
- Time and date of the booking.
- The location of the arrest.
- The factual circumstances surrounding the arrest.
- The amount of bail set (if any).
- The time and manner of release or the location where the individual is currently being held.
- All charges upon which the individual is being held, including any outstanding warrants from other jurisdictions and parole or probation holds.
- The current address of every individual arrested by CDCR and the current address of the victim of a crime, where the requester declares under penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose, or that the request is made for investigation purposes by a licensed

private investigator, EXCEPT that the address of the victim of any crime defined by Sections 220, 261, 261.5, 262, 264, 264.1, 273(a), 273(d), 273.5, 286, 288, 288(a), 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code shall remain confidential.

#### **Disclosure of Information Concerning a Complaint**

The following information concerning a criminal complaint received by the CDCR shall be disclosed:

- The time, substance, and location of all complaints received by the CDCR.
- The time and nature of the response.
- To the extent the information is recorded, the following may be disclosed:
  - The time, date, and location of the occurrence.
  - The time and date of the report.
  - The name and age of the victim-EXCEPT at the victim's request, the name of the victim of any crime defined by Penal Code Sections 220, 261, 261.5, 262, 264, 264.1, 273(a), 273(d), 273.5, 286, 288, 288(a), 289, 422.6, 422.7, 422.75, or 646.9 shall not be disclosed.
  - The factual circumstances surrounding the complaint.
  - A general description of any injuries, property, or weapons involved.

#### **13040.14 Exemptions from Disclosure**

Records exempt from public disclosure include, but are not limited to, the following:

##### **Working Documents**

Preliminary drafts, notes, memorandums, etc., which are not retained in the ordinary course of business, are exempt from disclosure provided that the public interest in withholding the record clearly outweighs the public interest in disclosure.

##### **Litigation Records**

Records pertaining to pending litigation in which CDCR is a party or to claims made under the California Tort Claims Act are exempt from disclosure until the pending litigation or claim has been finally adjudicated or otherwise settled. Records specifically created by the lawyer or agency (attorney work-product) for the litigation are exempt from disclosure.

##### **Unwarranted Invasions of Privacy**

Personnel, medical, or similar files are exempt from disclosure if disclosure would constitute an unwarranted invasion of personal privacy or would cause disclosure of exempt personal information under DOM, Chapter 1, Article 15, Information Practices.

##### **Examination Data**

Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination, except as provided in the Education Code 99150(4), are exempt from disclosure.

##### **Prohibitions in Other Laws**

Records are exempt from disclosure when provisions of federal or state law, including, but not limited to, provisions of the Evidence Code 1040, et seq., relating to privilege, and of the Information Practices Act, Civil Code 1798, et seq., prohibit disclosure or establish an exemption from disclosure. See also DOM, Chapter 1, Article 15, Information Practices.

##### **Financial Data**

Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with the licensing agency to establish his or her personal qualification for a license, certificate, or permit applied for are exempt from disclosure.

##### **Complaints, Investigations, and Intelligence Records**

Records of complaints to, investigations by, or intelligence information or security files of CDCR, or such information in the possession of CDCR, but compiled by another state or local agency for correctional, law enforcement, or licensing purposes are exempt from disclosure. This exemption shall include plans and operating procedures that protect the internal security of CDCR and its operational units.

##### **Adult Probation Reports**

Disclosure of adult probation reports to the public is prohibited.

##### **Analysis and Conclusions of Investigating Officers**

The portion of investigative files that reflect the analysis and conclusions of the investigating officer are exempt from disclosure.

##### **Extradition and Clemency Records**

All records compiled in the process of extradition or the exercise of executive clemency are exempt from disclosure.

##### **Correspondence of and to the Governor's Office**



Correspondence of and to the Governor or employees of the Governor's office are exempt from public disclosure.

#### **Balancing of Public Interests**

A record is exempt from public disclosure if CDCR demonstrates that based on the facts of a particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Note: prior approval by the Governor's office is required whenever CDCR plans to invoke the balancing of public interests exemption. CDCR's Office of Legal Affairs shall facilitate the notification to the Governor's office upon notification from a PRA Coordinator of CDCR's intention to invoke this exemption).

#### **13040.15 Locations for Inspecting Public Records**

The location of records that may be inspected under the PRA is left to the discretion of the Agency Secretary; Undersecretary; Assistant Secretary; Director; Chief; Deputy Director; Warden; General Manager, PIA; PRA Coordinator; and/or Field Office Supervisor.

#### **13040.15.1 Inmate Inspection of Specifically Included Public Records**

Copies of the specifically included public records shall be located in the inmate law library and/or at other centralized locations at which they shall be available to all inmates.

#### **13040.16 Duplicate Records for Public Inspection**

The CDCR shall not maintain any record at a specific location solely for the purpose of inspection by the public. There may be instances where it is necessary, desirable, or advantageous to CDCR to maintain a duplicate record at centralized or more accessible locations for public inspection purposes. Any such duplicate record shall be as up-to-date and complete as the original or working record used by staff.

#### **13040.16.1 Disclaimer Concerning the Validity of Duplicate Records**

When separate copies of a record are maintained exclusively for public and/or inmate inspection, a disclaimer notice shall be affixed to the record's cover or folder. This notice shall read:

"THE CONTENTS OF THIS MANUAL/FILE/RECORD REPRESENTS THE LATEST INFORMATION RECEIVED IN WRITTEN FORM. CONTENTS MAY BE OUTDATED AS THE RESULT OF NEW OR REVISED INFORMATION WHICH HAS NOT BEEN RECEIVED OR FILED."

This disclaimer shall be given verbally when a record, which is maintained exclusively for public and/or inmate inspection and which does not have a written disclaimer attached, is disclosed.

#### **13040.17 Copy Services**

Upon receipt of payment of the cost of the reproduction, a copy of the disclosable public record, or any portion thereof, shall be provided to the requester. The copy cost for public records is 12 cents per page plus postage. *Note:* The employee receiving the funds for providing copies of public records shall explain on the receipt the number of pages at 12 cents per page plus postage for the reproduction of public records.

#### **13040.18 Time Limits for Responding to Record Requests**

When a request for a copy of or to inspect CDCR records is received, CDCR shall notify the requester within 10 days of receiving the request whether CDCR will comply with the request. If a determination is made to release copies of public records to a requester, CDCR shall advise the requester of the copy cost and the copies of the requested records shall be provided to the requester upon receipt of payment of the copy costs. If a determination is made not to release copies to a requester, CDCR shall notify the requester the specific reasons for denying the request.

#### **13040.18.1 Extension of Time Limits**

In unusual circumstances, the 10-day time limit for determining and notifying the requester whether the request seeks copies of disclosable public records may be extended by written notice. When CDCR determines unusual circumstances exist (see below), the requester shall immediately be notified (and no later than 10 days from the date of receipt of the request) in writing of the extension, the reasons for the extension, and the date upon which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension of more than 14 days. For the purpose of this Section, "unusual circumstances" means, but only to the extent reasonably necessary for the proper processing of the particular request, the need to:

- Search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- Search for, collect, and appropriately examine a voluminous amount of separate and distinct records which relate to a single request.
- Consult with another agency having a substantial subject matter interest therein. This consultation shall be conducted with all practicable speed.

#### **13040.18.2 Justification for Denying Access to Records**

Any time a request under the PRA is denied, CDCR shall justify withholding the record. The CDCR is required to demonstrate one of the following:

- The requested record is exempt under expressed provisions of the PRA.
- The requested record is exempt under expressed provisions of the IPA.
- On the facts of the particular case, the public interest served by not making the record public clearly outweighs the public interest served by the disclosure of the record. Any notification of a denial of any request under the PRA shall set forth the names and titles or positions of each person responsible for the denial.

#### **13040.18.3 Appeals of Decisions Denying Access to Records**

When a decision is made not to disclose a record, and the Inmate/Parolee requester disagrees, the requester may appeal the decision through the appeals process described in DOM, Chapter 5, Article 53, Inmate/Parolee Appeals.

#### **13040.19 Revisions**

The Assistant Secretary, Office of Public and Employee Communications, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

#### **13040.20 References**

EC § 1040, et seq.

EdC § 99150(4).

CC § 1798, et seq.

GC §§ 6250, 6275, 6276, et seq.

California Tort Claim Act.

Executive Order S-03-06.

## **ARTICLE 17 — MOTION PICTURES, RADIO, AND TELEVISION**

*Revised September 28, 1998*

#### **13050.1 Policy**

Any audio, video, or photographic production at any State correctional institution/facility, except those for a general interest daily newscast by a television or radio station holding a license to broadcast from the FCC, shall be governed by provisions of this policy section.

#### **13050.2 Purpose**

The purpose of this policy is to identify departmental and statutory requirements that production media shall satisfy prior to being granted an approval for any audio, video, or photographic production at any State correctional institution/facility, except those for a general interest daily newscast by a television or radio station holding a license to broadcast from the FCC.

#### **13050.3 Objectives**

Departmental objectives governing access for any audio, video, or photographic production at any State correctional institution/facility, except those for a general interest daily newscast by a television or radio station holding a license to broadcast from the FCC are to:

- Present the public with a true and accurate account of Department operations.
- Promote greater public awareness of the CDC's public safety mission, programs, and issues through the media.

#### **13050.4 Authority**

Approval to conduct any media production activity in a State correctional institution/facility is granted jointly by the Warden/RPA and the Assistant Director, Communications, with the approval of the Director.

#### **13050.5 Definition**

Media representatives are defined in the CCR 3000 and in the DOM 13010. Non news related production shall be synonymous with and include motion pictures, features, news magazine programs, public affairs programs, weekly or monthly programs, cable or Internet productions, documentaries, shorts, commercials, and any other production form that is not for general interest daily newscast purpose.

**13050.6 Preliminary Screening and Referral**

Upon receiving inquiries from production companies, the PIO for the institution/facility/parole region shall determine if the inquiry pertains to a news or non news related venture as defined above and in DOM 13010.

**News Related**

If the proposed production pertains to news, the PIO shall follow procedures identified in DOM 13010.

**Non News Related**

If the production activity proposed is non news related, the PIO shall refer the company to the office of the Assistant Director, Communications, for further processing.

**13050.7 Approval Procedure/ Obtaining Permit**

After the company has discussed the proposed activity with the Assistant Director, Communications, and received CDC approval for the project, the company shall also apply for and receive a Photography/Motion Picture Permit from the California Film Commission (CFC).

- The company shall produce evidence of financial responsibility and liability insurance.
- **Note:** Present industry practice and the recommendation of the DGS, Office of Risk and Insurance Management is for general liability coverage of at least one million dollars, with the State of California, its offices, employees, and agents as the "additional insureds" under the terms of the policy.
- The company shall be required to keep this permit readily available throughout location filming.
- Minor changes in the permit may be made at the site by the PIO who shall initial the change.
- Major changes shall be handled with a permit rider through CFC.
- The company shall file a formal application to film at a specific location with the Assistant Director, Communications.

**13050.7.1 Applicant Screening**

The assigned Communications Officer from the office of the Assistant Director, Communications, shall screen applicants and verify with CFC that the applicant has:

- A valid permit.
- Insurance coverage.
- No history of past complaints with CDC.

The assigned Communications Officer shall determine from the company:

- Production location needs.
- Production schedule and duration.
- Number of crew personnel required to be admitted.
- Security coverage needed.
- Type/quantity of production equipment on premises.
- Level of overcrowding at the institution/facility/housing unit to be used.
- Custody level of inmates at the institution/facility/housing unit to be used.
- Degree of institution/facility/housing unit program disruption as a result of the production's presence.
- Impact on surrounding homeowners.

**13050.7.2 Script Screening**

The company shall furnish a copy of the script and/or a production outline to determine whether the program/motion picture on CDC property will be consistent with the safety and security of the institution/facility, public, staff, and inmates, and will not unduly interfere with the operation of CDC. The Communications Officer shall reject the application if the proposed production activities compromise facility safety and/or security. In accordance with GC 14998.8(f), CDC shall have five working days to disapprove a film permit application or it is deemed approved.

No use of firearms (real or simulated), other weapons, or use of pyrotechnics on CDC property shall be permitted. In addition, it would, in general, be inconsistent with the above factors if the script proposed to produce the following on CDC property:

- Material which has been designed to glamorize crime or criminals or to intentionally invoke sympathy for them.
- Material which justifies or encourages criminal behavior.
- Display of criminal skills which appear to provide instruction in criminal behavior.

If portrayed in the program, CDC shall be presented in a true and accurate light.

**13050.7.3 Script Handling**

The script shall be handled in the form and manner prescribed for copyrighted material. It shall be used solely for the purpose intended and shall not be copied in any form and/or distributed to anyone without the expressed written permission of the Director.

**13050.8 Criminal History Check**

The CDC shall run a criminal history request through CI&I and the FBI on all reporters and crew members to determine eligibility for access onto institution/facility grounds/security areas in accordance to the CCR 3173, 3176, and 3177, DOM 31070, and good sound judgment.

**13050.9 Formal Agreement**

After all appropriate script changes, institution/facility/production agreements, and background checks have been made, the company shall:

- Sign a CDC Form 1846, Film Permit, with the Assistant Director, Communications, or designee.
- Receive a CDC Form 181, Primary Laws, Rules, and Regulations Regarding Conduct and Association with State Prison Inmates (previously titled Digest of Laws Related to Association with Prison Inmates).

Originals of all signed documents shall be maintained in the office of the Assistant Director, Communications. Copies shall be given to the company and the Warden/RPA.

Requests for script changes after the signing of the location agreement shall be referred to the Assistant Director, Communications for approval.

**13050.10 Basic Orientation Class**

The PIO shall conduct a basic orientation class for all approved crew members. All crew members shall be apprised of expectations within a State correctional institution/facility.

**13050.11 Communication Ground Rules**

When resolving conflicts/issues during production, the PIO shall deal only with the pre-designated company representative (e.g., producer, director).

- The PIO shall advise the predesignated company representative to communicate solely with the PIO's office in all matters.
- All previously arranged time frames, personnel, and production site(s), shall be adhered to.

**13050.12 Institution/Facility Internal Notification**

The PIO shall prepare appropriate memos and distribute them to all affected areas prior to any production activity or lack of any activity (in the event there are changes regarding the use of an area).

**13050.13 Issuing Identification Cards**

Approved crew members shall be required to wear identification (ID) cards issued by the institution/facility that shall be surrendered upon exiting the institution/facility. (See DOM 31070.)

**Crew Processing**

The PIO and Entrance Gate Officer(s) shall verify the identity of each crew member by ID, sample signature, and other visible identification prior to granting entry.

Crew members shall sign in and out at the entrance gate and, at all times, be escorted by the PIO or the PIO's designee to pre-approved locations. The PIO shall collect and maintain possession of all issued ID cards at the sign-out time, and shall reissue them during the next signing-in process.

**13050.14 Cancellation of Approval**

The Warden/RPA shall, in agreement with the Assistant Director, Communications, stop all production activity at any phase if, in their judgment, the production has:

- Compromised the safety and security of the institution/facility.
- Failed to adhere to the conditions stipulated in the agreement.
- Revealed evidence that indicates the company provided false information/documentation prior to being approved to conduct its planned activities.
- Violated State laws or CCR rules while on State grounds.
- Revealed (or staff have discovered) that production members conspired with an inmate(s) to circumvent CDC's policies/procedures.

**13050.15 Custody Supervision/Escort**

Appropriate peace officer personnel shall oversee and provide security for all production activity.

Crew members shall be under escort at all times and shall be supervised by specific peace officer personnel who are thoroughly familiar with CDC's public information and community relations policies.

**13050.16 Employee Participation**

No employee shall participate in any motion picture/radio/television or other production wherein their appearance is based primarily on the fact they are employed with CDC, unless prior written approval has been granted by the Director, or designee.

It shall be considered a conflict of interest for any employee to be in the employ of the production firm. (See CCR 3413 and PC 2540.) It shall be considered a conflict of interest for an employee in the approval or security clearance process to participate or appear in any motion picture/radio/television or other production. These employees include, but are not limited to, the Warden, institution/facility head, Chief Deputy Warden, Associate Warden, Facility PIO, Administrative Assistant to the institution/facility head, and Institution/Facility Chief of Security.

**13050.16.1 Billing For Department Employees**

When production activities disrupt the normal routine of the institution/facility/parole region and require special arrangements and/or the assignment of additional personnel to cover the activity of the production crew, the company shall be required to pay the cost of the additional personnel, rental fees for any props, inmate clothing, incidental damages, and other appropriate expenses, excluding a "user's fee."

**FLSA**

Approved "on duty" employee work hours shall be recorded on FLSA sign-up sheets and security coverage costs shall be billed at the current overtime rate for the top salary range in each classification represented plus benefits.

**Billing**

Billing shall be done as follows:

- The accounting office of the affected institution/facility/parole region shall prepare a statement of incurred expenditures on an OSP Form 132-A, the standard departmental invoice.
- The completed OSP Form 132-A shall be sent to CFC (Attention: Permit Coordinator/Billing) who shall bill the motion picture production company on the Department's behalf.

All fees collected by CFC, pursuant to this section, shall be deposited in the Film Transfer Account in the State's Special Deposit Fund for disbursement to the affected institution/facility/parole region.

**13050.17 Inmate/Parolee Participation**

If the production company wishes to utilize inmates or parolees returned to custody, the Joint Venture Coordinator may be contacted to determine whether inmate participation can be arranged under the Joint Venture program and if so, establish the necessary billing and payment instruments. The PIO or designee shall exercise good judgment in screening and dealing with prospective inmate/parolee participants and exclude from consideration those who are:

- High interest.
- High risk.
- Condemned inmates/life parolees.
- Inmates/parolees awaiting trial.
- Under court ordered gag rule/minute order prohibiting the inmate/parolee from media contact.
- Inmates diagnosed as psychotic and/or, in the opinion of their attending psychiatrist/psychologist, such participation would be detrimental to their condition.

No inmate/parolee shall be photographed or have their voice recorded unless they have first properly signed the CDC Form 146, Inmate Declaration to News Media Contact. This form shall be a permanent part of the inmate's/parolee's C-File.

**Controlled Conditions**

Inmates and parolees shall participate under carefully controlled conditions as follows:

- The participating inmates/parolees shall be assigned as "extras" and/or to other non starring roles.

- Inmate/parolee participation, except for Joint Venture projects, shall be strictly on a volunteer basis. They shall not receive any remuneration or be entitled to any "day for day" privileges.
- The same inmate/parolee shall not be used repeatedly while they are under CDC's jurisdiction.
- The inmates/parolees shall not act their own "true life" parts or the part of other inmates/parolees.
- Random interviews with inmates are prohibited unless specifically authorized in the CDC Form 1846.
- The random inmate interviews shall take place at the location of the inmate program. (Inmates must sign a CDC Form 146.)
- The duration of the random interviews shall not exceed ten (10) minutes per inmate.

Additional guidelines addressing inmate/parolee participation are found in DOM 13010 and shall be adhered to.

**Public Interest**

Precautions shall be taken to avoid focusing public interest on individual inmates/parolees.

**Contributions**

The media/producers are welcome to contribute toward the IWF and/or make other Director approved contributions to the institution/facility/parole region. Gifts and gratuities shall not be given directly to inmates/parolees.

**13050.18 Revisions**

The Assistant Director, Communications, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

**13050.19 References**

CCR (15) (3) §§ 3000, 3010, 3141, 3173, 3176, 3177, 3260 - 3262, 3402 (a), 3409, 3413, and 3450 - 3452.

DOM §§ 13010, 13020, and 31070.

PC § 2540.

FLSA.

**ARTICLE 18 — LEGAL MATTERS**

*Effective January 25, 1990*

*Revised November 4, 2008*

**14010.1 Policy**

Appropriate legal representation and assistance shall be provided when the Department or its employees are subjected to legal proceedings.

Prompt action is required to resolve all legal matters because of time limits imposed by courts for responses in judicial proceedings.

**14010.2 Purpose**

This Section establishes guidelines for the Department to follow when legal issues arise and describes how to use the Department's OLA and the AG's Office in any legal proceedings involving the Department and/or its employees.

**14010.3 Definitions****Civil Action**

An action brought to recover some civil right, or to obtain redress for a wrong, which is not a crime.

**Complaint**

A legal document setting forth the alleged charge or cause of action. It notifies the defendant that an alleged charge or cause of action has been filed.

**Criminal Action**

An action prosecuted by State or Federal agencies as a party against a person for the purpose of either preventing the commission of a crime, or for fixing the guilt for a crime already committed and punishing the offender.

**Legal Process**

As used in this Section, legal process is a generic term that refers to all lawful proceedings and the documents used in those proceedings. This includes writs, applications for writs, summons and complaints, orders to show cause, etc. It does not include subpoenas as they are described separately.

**Personal Service**

The delivery of legal process to a party, either a person or the Department, or a designee authorized to receive such service.

**Subpoena**

A means of legal process compelling a witness to appear and give testimony at the time, date, and place specified.

### **Subpoena Duces Tecum**

A means of legal process compelling the keeper of a record, document, or file to make the record, document, or file available for examination at the time, date, and place specified.

### **Substituted Service**

The delivery of legal process by any legal means other than personal service.

### **Summons**

A legal document which, when properly served, gives the court jurisdiction over a defendant, and orders a defendant to appear in court at the time, date, and place specified to answer a complaint.

### **Writ**

A written order issued by a court, commanding the party to whom it is addressed to perform or cease performing some specified act. A party seeking a writ must file a petition for a writ before the court can issue the writ. A petition for a writ is frequently, but inappropriately, referred to as a writ.

### **14010.4 Types of Litigation**

Litigation may involve criminal charges against a party or it may be seeking to correct some civil wrong.

Generally, the Department and/or its employees become involved in judicial proceedings for one or more of the following reasons:

- An inmate is participating in litigation, which may or may not name the Department as a party. This may involve:
  - An active case in which the inmate is a party.
  - An active case in which the inmate is needed as a witness.
  - A recently filed case in which the inmate must be served as a party.
- The Department and/or its employees have been named as parties in a case arising from departmental activities.
- An employee has been named as a party in a case, which arises from the employee's duties with the Department.
- A party to a case requires some information in the possession of the Department or its employees, such as:
  - The testimony of an employee who observed an event (a percipient witness).
  - The testimony of an employee who has some expertise in a particular field but no direct knowledge of the event which is the subject of the case (an expert witness).
  - A record in possession of the Department or an employee.

Anytime the Department becomes involved in legal proceedings, the AG's Office acts as the attorney for the Department and/or its employees and represents the Department and its employees in court except when:

- The AG's Office authorizes the Department to hire outside counsel.
- The AG's Office asks a DA to represent the Department in a particular matter.
- The action is filed in small claims court as discussed in the DOM 14010.8.

### **14010.5 Notice to OLA**

Anytime the Department, Secretary, Undersecretary, Chief Deputy Secretary, Assistant Secretary, Director, Warden, or RPA is named in a legal action, a copy of the summons and complaint or legal process shall be immediately forwarded to the OLA and the appropriate AG's Office by Correctional Case Records Administration (CCRA), the Litigation Coordinator, or the Correctional Case Records Manager (CCRM). Multiple copies on the same suit are not required.

Copies of all petitions for writs shall be forwarded to the OLA at the same time they are sent to the AG's Office.

### **14010.6 Subpoenas — in General**

All employees of the Department are subject to being subpoenaed concerning actions arising from their employment with the Department.

Any employee subpoenaed in any action regarding an event or transaction which the employee perceived or investigated in the course of the employee's duties, or as an expert witness, shall immediately notify their supervisor of the time, date, location, and case upon which the employee must appear.

A person who fails to obey a subpoena, which is properly served, can be held in contempt of court. Employees shall appear in court, pursuant to a subpoena, unless they are directed not to appear by one of the following:

- The person issuing the subpoena.
- A representative of the AG's Office assigned to the case.
- An attorney from the OLA.
- A Litigation Coordinator working on the case in which the employee is subpoenaed.

When a subpoena is received, it is absolutely imperative that it is processed as quickly as possible to the appropriate unit. (See DOM 14010.6.9.)

### **14010.6.1 Subpoenas — Criminal**

Criminal subpoenas may be issued by any of the following:

- A magistrate before whom a complaint is filed or the magistrate's clerk.
- A DA, a Deputy DA, or the attorney's investigator.
- The defense attorney of record or the attorney's investigator.
- A judge in support of a complaint or an indictment.
- A judge acting at the request of a grand jury.
- Defendants acting in their own behalf (in pro per) or their investigator in a filed legal action.

No person is obliged under a criminal subpoena to attend as a witness before a court that is out of the county where the witness resides or is served with the subpoena unless:

- The distance is less than 150 miles from the employee's residence to the place of trial, or
- The subpoena is endorsed by:
  - The judge of the court in which the offense is triable.
  - A judge of the Superior Court.
  - A justice of the Supreme Court.

### **14010.6.2 Subpoenas — Civil**

Civil subpoenas may be issued by a variety of jurisdictions and they compel either the production of a document or the attendance of a witness when the witness is a resident of the State at the time of service. Civil subpoenas are signed in blank by the issuing court and they are completed by the party seeking to examine the witness or document.

### **14010.6.3 Subpoenas — Who Can Accept Service**

Not all employees are legally authorized to accept service of a subpoena on behalf of the Secretary, another employee, or an inmate.

Only employees who are authorized in writing to accept service of a subpoena for another, except as noted under DOM 14010.6.5.2, shall accept such service on behalf of another person.

### **14010.6.4 Subpoenas — Designating an Agent to Accept Service**

Any employee of the Department may designate in writing another employee as their agent to accept service of a subpoena in legal matters related to the employee's work with the Department. No personal service of a subpoena shall be accepted for another person without written authorization from that person.

The designation of an agent to receive service under this Section authorizes that agent to receive service of legal process discussed later in this Section (see DOM 14010.7.2).

Any employee for whom service of a subpoena has been accepted shall immediately be notified and given a copy of the legal documents.

The transfer, resignation, or retirement of either the person authorizing another to accept service or the designee shall automatically revoke the authorization to accept service.

### **14010.6.5 Subpoenas — Types of Service**

Subpoenas may be received by personal service in civil cases and by either personal service or substituted service in criminal cases.

#### **14010.6.5.1 Subpoenas — Personal Service**

Personal service implies giving the subpoena to the person to whom it is addressed. If the person to whom the subpoena is addressed has designated an agent in writing to accept service of subpoenas, service of a subpoena upon that person is the same as personal service upon the person to whom the subpoena is addressed. Personal service is permitted in all cases.

#### **14010.6.5.2 Subpoenas — Substituted Service**

Substituted service is the delivery of a subpoena to the person to whom it is addressed by any method other than personal service. Substituted service is not permitted in civil matters, but is permitted in criminal matters.

Substituted service of criminal subpoenas may be accomplished by the delivery of the subpoena by any of the following:

- USPS.
- Messenger.
- Delivery to the immediate supervisor of an officer.

Service given to an officer's immediate supervisor requires the delivery of two (2) copies to the supervisor. Substituted service upon the immediate supervisor may be refused, or returned, by the immediate supervisor as specified in DOM 14010.6.7 and 14010.6.8.

- For the purpose of this discussion, reference to the officer's immediate supervisor includes an authorized designee of the supervisor.

#### **14010.6.6 Subpoenas — Accepting Substituted Service**

Substituted service of a subpoena is effected only when the person to whom it is addressed acknowledges receipt of the subpoena. Acknowledgement of substituted service shall not be made without first checking with the OLA, unless the subpoena is for the prosecution of an in prison offense. Acknowledgement is made by telephone, mail, or in person, as directed on the subpoena.

Although substituted service is not completed until acknowledged by the person to whom it is addressed, an employee failing to acknowledge substituted service may be required, by the court, to pay the cost of undertaking another means of service.

A subpoena delivered by substituted service has the same force and effect as a subpoena received by personal service, once it is received and acknowledged.

An officer's immediate supervisor who accepts substituted service shall ensure delivery of the subpoena to the officer as soon as possible, but in no event later than such time as shall enable the officer to comply with the subpoena.

When substituted service for an officer is tendered to an immediate supervisor, the superior shall insure that:

- The addressee is an officer and that the supervisor is, in fact, the addressed person's immediate supervisor.
- Sufficient time remains to accomplish delivery of the subpoena to the officer.
- The supervisor can reasonably expect to deliver the subpoena to the officer in sufficient time to permit the officer to comply with the subpoena (taking into account regular days off and holidays for both the supervisor and the officer).

#### **14010.6.7 Subpoenas — Refusing Substituted Service**

When an immediate supervisor is tendered service of a subpoena for an officer less than five (5) days prior to the date of the scheduled appearance, and/or the supervisor is not reasonably certain they can complete service to the officer in sufficient time for the officer to comply with the subpoena, the supervisor may refuse to accept service of the subpoena. The supervisor shall notify the server of the reason for the refusal at the time service is being attempted.

#### **14010.6.8 Subpoenas — Inability to Complete Substituted Service**

Where an immediate supervisor has accepted substituted service of a subpoena for an officer, and it is subsequently determined that delivery to the officer is not reasonably possible within time to allow the officer to comply, the immediate supervisor shall notify the server, or the server's office (not less than 48 hours prior to the hearing date specified on the subpoena) that service can not be completed. No legal penalty shall arise in connection with compliance with this procedure. First, however, all reasonable attempts to complete service shall have been made.

#### **14010.6.9 Subpoenas — Instructions to Subpoenaed Employees**

The OLA shall immediately be notified when:

- An authorized employee receives a subpoena for the Secretary, Undersecretary, Chief Deputy Secretary, Assistant Secretary, or Director.
- There is a need to quash a subpoena.
- The affected employee or the litigation coordinator believes the subpoena was not properly served.

The OLA shall provide directions on how to proceed.

Local litigation coordinators, CCRM's, or a CCRA shall immediately contact the AG's Office if the subpoena is connected to a case in which the AG's Office is representing the State, the Department, or an employee.

The procedure for referrals to the AG's Office is covered under DOM 14010.6.11.

Within one week of sending the transmittal letter to the AG's Office, case records personnel shall ensure that the employee, on whose behalf service had been accepted, has signed and forwarded to the AG's Office a Request for Representation.

When an employee receives a subpoena (other than as outlined above), there is no need to notify the OLA, unless there are reasons to attempt to quash the subpoena.

Anytime an employee is served with, or otherwise receives, a subpoena arising from employment with the Department, the employee shall:

- Contact the litigation coordinator, the CCRM or CCRA.
- Complete a Request for Representation, unless a request has previously been filed for the specific case.

Employees consulting or testifying as a specialist or an expert witness, based on experience gained in the course of their employment with the Department, should first review Department regulations governing incompatible activities, CCR Section 3413(a)(10).

Retired employees shall contact the appropriate staff person at their former institution, region, office, or the OLA.

#### **14010.6.10 Subpoenas — Requests to Disclose Information**

When an employee is requested to disclose information by any party to a lawsuit, either informally or by service of a subpoena, the employee shall consider the following:

- Information from public records shall only be disclosed in accordance with DOM 13040.
- Information from employee and inmate files shall only be disclosed in accordance with DOM 13030 and 13040.
- Only the documents specifically named shall be disclosed.

#### **14010.6.10.1 Subpoenas — Non-Peace Officer Personnel Records**

Response to a subpoena for information from non-peace officer personnel records shall be as follows:

- Provide the information if:
  - Employee consents in writing to the disclosure of the information; or
  - Disclosure is permissible as a public record or as non-exempt personal information (see DOM 13030 and 13040).
- Contact the OLA if:
  - Employee does not consent in writing to the disclosure of the information; and
  - Exempt personnel information is requested.

In civil actions in which the Department is not involved, and where only payroll or medical records are requested, a subpoena for non-peace officer records shall be complied with. No appearance shall be made on behalf of the Department to oppose a motion for non-peace officer records. Disclosure shall be made upon receipt of the subpoena.

Before disclosure, the Department shall reasonably attempt to notify the individual to whom the record pertains.

Disclosure of personnel records without a subpoena, or the employee's written consent, shall only be made to an attorney representing the Department's interest, as in worker's compensation matters when defending the Department or its employees, or in adverse personnel actions.

#### **14010.6.10.2 Subpoenas — Peace Officer Personnel Records**

Peace officer personnel files are considered confidential under PC 832.7 and 832.8. Disclosure shall occur only if:

- The employee consents in writing to the disclosure, or
- A subpoena is issued by a DA for the limited purpose of enforcing child support obligations; or
- The Department is served notice more than ten days in advance of a hearing on a motion for hearing held under EC 1043 and 1046. At the hearing, the court, not the Department, would determine if the record is to be disclosed.

Motions made to obtain information from peace officer personnel files shall be handled in accordance with the following:

- Upon receipt of a subpoena or notice that a motion has been requested, the employee whose records are being sought shall be sent a written notice mailed to the employee's last known address that a hearing is being scheduled to determine whether information in the employee's file is to be disclosed.

- All subpoenas in criminal and civil actions requesting peace officer records, other than those noted above, shall be referred to the AG's Office.

An attorney serving a subpoena for peace officer personnel records shall be informed of the provisions of PC 832.7 and 832.8.

#### **14010.6.10.3 Subpoenas — Inmate/ Parolee Records**

Subpoenas for inmate/parolee records shall always be referred to the AG's Office except under the following circumstances:

- The subpoena was issued by the inmate's/parolee's own attorney.
  - The attorney shall be informed that the inmate's/parolee's written consent is required for the attorney to review the record.
  - If the attorney is unwilling to fulfill this requirement, the matter shall be referred to the Department's OLA.
- Inmate/parolee medical records are sought in a civil action, not involving the Department, where the inmate/parolee is a party.
  - Notice shall be given to the inmate/parolee prior to disclosure.

#### **14010.6.10.4 Subpoenas — Other Records**

Subpoenas for public records such as a copy of non-confidential operating manuals shall be handled by informing the person issuing the subpoena of the method to secure public records as outlined in DOM 13040.

Subpoenas for other records such as copies of incident reports or confidential procedures shall immediately be referred to the AG's Office.

#### **14010.6.11 Subpoenas — Referral to the Attorney General**

Subpoenas shall be referred to the appropriate AG's Office (see DOM 14010.13) under the following circumstances:

- When issued to an employee because of their participation in, or preparation of, a diagnostic study under PC 1203.03 or 1170 (d).
- When an employee is subpoenaed to give an expert opinion (that is, the employee has some expertise in a particular field) in a case in which the employee has no direct knowledge of the event that is the subject of the case and an expert witness fee has not been tendered.
- When served at a time which is unreasonably close to the date on which the appearance is required.

A subpoena referral shall not be made to the AG's Office if:

- The employee who has been served is willing to appear at the employee's own expense, on the employee's own time; and
- The Warden, RPA, or division head authorizes the employee vacation time off to make the appearance.

#### **14010.6.12 Subpoenas — Contacting the Issuing Attorney**

The subpoenaed employee shall not make direct contact with an attorney issuing a subpoena unless directed to do so by the OLA. In any case where the employee was not a percipient witness, or lacks any relevant information concerning the event, the employee shall make direct telephonic contact with the OLA. The OLA shall make attempts to have the subpoena withdrawn by the attorney who issued it.

#### **14010.6.13 Subpoenas — Failure to Comply**

Failure to comply with any legal subpoena can result in contempt charges and sanctions (fines and/or imprisonment) by the court which issued the subpoena. Employees shall make every reasonable effort to comply with subpoenas.

#### **14010.7 Legal Process — In General**

Service of any documents used in civil proceedings (except subpoenas) is referred to as service of legal process in this section. The documents shall be handled in accordance with the provisions of this section anytime an employee receives such service.

##### **14010.7.1 Legal Process — Who Can Accept Service**

Only the following Headquarters staff shall accept service of legal process for the Department:

- Designated staff of OLA.
- The Chief, Correctional Case Records Services.
- CCRA's in Case Records Services.
- The CCRM, LPU.

##### **14010.7.2 Legal Process — Designating an Agent to Accept Service**

Each Warden and RPA shall designate an employee to accept service of process on behalf of the institution or region.

Designating an agent to receive service is accomplished in the same manner as described in DOM 14010.6.4.

##### **14010.7.3 Legal Process — Types of Service**

Service of legal process may be by personal service or by substituted service. Note that unlike the service of a subpoena in a civil matter, service of legal process in a civil matter may be accomplished by substituted service.

##### **14010.7.3.1 Legal Process — Personal Service**

Personal service is accomplished by delivering the legal process to the defendant in person, or to an agent designated by the defendant, in writing, to accept service of legal process on their behalf.

##### **14010.7.3.2 Legal Process — Substituted Service**

Substituted service is accomplished in any of the following ways:

- Leaving a copy of the legal process at the defendant's residence with a person over 18 years of age and, thereafter, mailing a copy to the defendant at the same address.
- Leaving a copy at the defendant's place of employment with a person in charge (this may be the officer on duty at the front gate or public entrance) and, thereafter, mailing a copy to the defendant at the place of employment.
- Sending the legal process to the person by mail, but this must include an acknowledgement of service. This is the method most commonly used by the U. S. Marshall for service of federal civil rights actions.

##### **14010.7.3.3 Legal Process — Acknowledgement of Service by Mail**

The acknowledgement shall not be signed or dated by the person receiving it. The acknowledgement shall be transmitted to the AG's Office with the legal process as provided in DOM 14010.7.6.

##### **14010.7.4 Legal Process — Service Upon Inmates**

No charge shall be made for the serving of legal papers on inmates by departmental staff. This shall preclude process servers from direct access to security areas of the institutions. This shall not preclude the proper service of papers by a sworn peace officer escorted into a security area.

Service may be completed as follows:

- Staff may accept the papers from the process server and then complete the service on the inmate.
- A sworn peace officer may be escorted into the security area to complete the service of papers.
- A non-sworn process server may be permitted to complete personal service if:
  - The server desires to make personal service and has made prior arrangements.
  - The inmate can reasonably be brought to the visiting area.
  - Permitting the personal service does not compromise the institution security.
- If a request for service is received by mail, institution staff shall serve the papers and complete the verification of service. If a fee accompanied the request for service, the fee shall be returned with the verification of service.

##### **14010.7.5 Legal Process — Handling**

Upon receipt of legal process, the employee served shall forward the document to the person designated by the Warden or RPA (normally the litigation coordinator or the case records staff).

Headquarters staff shall forward such documents to the OLA or the Case Records Office.

The employee served shall furnish the following information:

- Date of service.
- Place of service.
- Name, or title, of the person who served the documents.
- Method of service.

All employees shall receive training to ensure they are familiar with this process, and they shall be given written instructions in the format shown in.

Headquarters, each institution and each parole region shall process substituted service for an employee as follows:

- A process server who indicates they are leaving substituted service shall be allowed to leave it with an employee most convenient (such as the front gate or the receptionist) for Headquarters, the institution, the parole region, or field office. The legal process may be placed in the office mail system for delivery to the employee if there is a reasonable assurance service shall be

completed in a timely manner, or it shall be delivered in person to the employee.

- If the legal process is job related, the employee to whom service is addressed may request representation at State expense or at the employee's expense as provided in DOM 14010.14.

#### **14010.7.6 Legal Process — Transmittal to the Attorney General**

Upon receipt of legal process and information concerning service, the litigation coordinator or case records staff shall prepare a transmittal letter to the assistant AG serving the court (see DOM 14010.13) which issued the documents. The appropriate assistant AG shall be contacted by telephone when it appears some action needs to be taken immediately or when a written referral will not give the AG's Office sufficient time to respond.

The transmittal letter shall contain the following information:

- The name of the employee served and for whom service was accepted.
- The method of service: personal delivery, mail, etc.
- The date and place of service.
- The name, or title, of the person who served the documents.
- A request for representation on behalf of the person named in the documents.

The employee on whose behalf service was accepted shall be given a copy of the transmittal letter and any other documents they had not previously been given.

#### **14010.8 Small Claims Court**

On occasion, an employee is served with a claim filed in small claims court against the Department, or against the employee arising from their employment with the Department. As attorney representation is not permitted in small claims court, neither the AG's Office nor any other attorney may appear to represent the Department or the employee. The employee served shall immediately contact the individual designated for processing legal documents as described in DOM 14010.7.5 and then provide that individual with a copy of the claim.

The Warden, RPA, Assistant Secretary, or their designee, shall write a letter to the clerk of the court in which the claim was filed, requesting that the claim be dismissed when either, or both, of the following appears to be true:

- The claimant failed to exhaust all administrative remedies.
- The claimant failed to file a California Victim Compensation and Government Claims Board (CVCGCB) claim.

Copies of the letter shall be sent to the OLA and the claimant/plaintiff.

If the claimant exhausted administrative remedies and filed a CVCGCB claim prior to filing the action, or if the court refuses to grant the request to dismiss, the Warden, RPA, Director, Assistant Secretary, Chief Deputy Secretary, Undersecretary, Secretary, or their designee (either the employee served or another staff member with relevant knowledge of the issue before the court), shall appear at the hearing to present the Department's response to the claimant's allegations.

#### **Court Ruling**

If the court rules in favor of the claimant, the defendant (the Department and/or the employee) has the right to appeal the finding to the Superior Court. The AG's Office shall represent the Department or the employee. Prior to deciding whether to appeal, the Warden, RPA, Director, Assistant Secretary, Chief Deputy Secretary, Undersecretary, Secretary, or their designee, shall contact the OLA. If the decision is made not to appeal, the person who appeared in court shall be required to obtain a copy of the order to justify payment of the claim.

#### **14010.9 Not Reporting Home Address During Testimony**

An officer may give the place of employment, rather than the actual residence location, in the following circumstances:

- Testimony is being given in a criminal proceeding.
- Testimony is likely to become a matter of public record.
- The testimony concerns an event or transaction the employee perceived or investigated in the course of employment with the Department.

#### **14010.10 Transfer of Original Documents**

Original documents shall not be transferred to the custody of a Deputy AG, or anyone outside the Department, without the consent of the

Assistant Secretary, OLA, or the Chief, Correctional Case Records Services.

#### **14010.11 Cooperation with the Attorney General**

Departmental employees shall cooperate fully with the AG's staff who are representing the Department, or a departmental employee, in any legal action.

Cooperation shall include, but not be limited to:

- Producing documents.
- Completing interrogatories.
- Researching matters within the Department.
- Appearing as a witness, when required.

If it is felt that requests by the AG's Office have become excessive, the litigation coordinator or the section chief in units without identified litigation coordinators shall contact the OLA, which shall attempt to mediate the conflict between the Department and the AG's Office.

#### **Attorney General's Obligation**

When the AG's Office represents an employee of the Department, the AG's Office is obligated to maintain the same attorney-client privilege regarding any communications with that employee as if the employee had retained private counsel.

Employees with information relevant to any litigation involving the Department should channel the information to the AG's Office through the litigation coordinator or the section chief in units without identified litigation coordinators. If there is any question about whether or not the information should be communicated to the AG's Office, the OLA shall be consulted.

#### **14010.12 Contacting the Attorney General**

Employees shall initiate contact with the AG's Office only under the following circumstances:

- As directed by this section.
- When instructed by the OLA.
- When assigned to assist in preparation of a specific case.
- When the employee is personally represented by the AG's Office in a legal action.
- When the Department seeks an ex parte order blocking disclosure of exempt personal information.

**14010.13 Attorney General Assignments**

The following AG's Offices have been assigned to represent the Department in the various courts as shown:

AG's Office	Federal District Courts	Calif. Appeals Courts	Counties	Parole Regions
Los Angeles	Central	2 <sup>nd</sup>	Inyo, Kern*, Los Angeles, Orange, Santa Barbara, San Bernardino, San Luis Obispo, Ventura	III and parts of IV
Sacramento	Eastern	3 <sup>rd</sup> & 5 <sup>th</sup>	Alpine, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kings*, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba	I
San Diego	Southern	4 <sup>th</sup>	Imperial, Riverside, San Diego	IV
San Francisco	Northern	1 <sup>st</sup> & 6 <sup>th</sup>	Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Sonoma	II and parts of I

\*The AG's Office in San Francisco will handle state habeas corpus matters arising from CCI; California State Prison, Avenal; and California State Prison, Corcoran.

**14010.14 Employee's Right to Obtain Private Counsel**

In job related actions any employee has the right to be represented, at their personal expense, by the attorney of the employee's choice rather than by the AG's Office. Where it is determined that the Department shall provide defense counsel, and the employee does not wish to provide counsel at their own expense, the Department shall have the AG's Office, or private counsel (in cases where the AG's Office has a conflict of interest), represent the employee at Department expense.

**14010.15 Requests to Settle Litigation**

All settlement requests shall be in writing. They shall be submitted to the Secretary or the Undersecretary through the Assistant Secretary, OLA. Prior to settling any legal action, the following guidelines shall be followed:

- Settlements involving policy or procedural changes shall be approved by the appropriate division head, the Assistant Secretary, OLA, and, when necessary, the Secretary or the Undersecretary.
- The Secretary or the Undersecretary shall approve money settlements.

**14010.16 Policy Changes Because of Litigation**

The Secretary establishes departmental regulations and policy. No changes will be allowed without the consent of the Secretary or

members of the Secretary's staff who have been authorized by the Secretary to establish or modify regulations and policy.

The approval of the Assistant Secretary, OLA, is required for any regulation, policy, or procedural change based upon a court decision. Consultation with the Department's OLA, appropriate division heads, and the Secretary is required before any regulatory, operational, or policy changes are made in response to the instructions or advice of:

- The AG's Office.
- A DA's office.
- Any other attorney representing the Department or its employees.

**Note:** Further information is contained in DOM 12010, Policy Directives.

The litigation coordinator shall notify the AG's Office and OLA if a specific case involves broad policy implications for the Department. When a question arises as to which unit (the OLA or the AG's Office) shall have primary responsibility for handling a case, the inquiry shall be directed to the OLA who shall make the determination.

**14010.17 Designating Litigation Coordinators**

The Department shall provide litigation assistance to the AG's Office. To best accomplish this, each facility and parole region shall designate a staff member to act as the Litigation Coordinator. The Litigation Coordinator shall be the contact person for departmental staff or the AG's Office, either on a continuing basis or upon request on an individual case. The OLA shall be informed of the Litigation Coordinator for each case and all changes or replacements as they occur.

**Responsibility**

The Litigation Coordinator shall:

- Establish a system to coordinate, control, and process all legal documents.
- Schedule legal planning sessions between facility, parole region, and the AG's Correctional Law Section (CLS) for responding to ongoing litigation and finalized court decisions.
- Monitor due dates on all legal matters in order to ensure facility and staff compliance with those dates.
- Upon request of CLS, identify appropriate expert(s) on specific issues in litigation.
- Compile, review, and evaluate all records and documents related to matters in litigation to ensure uniformity and compliance in facility responses.
- Provide necessary documentation for CLS and disseminate documents to staff, inmates, or inmate attorneys when directed.
- Prepare responses to discovery requests and/or other documentation required during litigation.
- Receive, file, and prepare initial documentation for CLS on all cases instituted by inmates.
- Coordinate security for maximum-security inmates who testify in either criminal or civil proceedings.
- Identify areas of potential or recurring litigation for possible facility action.
- Coordinate with CLS to provide for briefings of the Warden or RPA and administrative staff on the status and content of pending litigation, including the potential impact of that litigation on prison/parole region administration and operational procedures.
- With direct guidance from CLS, provide IST for management and line staff on operational changes dictated by recent specific court orders, litigation, statutes, or general new case law.
- Provide IST to staff on their role and responsibility as a party or witness in litigation.
- Act as in-court trial investigator and source for necessary immediate facility information, during trial, and for the attorney representing a staff member concerning any correctional interest at issue.
- Assist staff members during their legal contacts with the court, inmate, inmate attorney, or attorney representing staff.
- Review confidential records and files to be used in litigation in order to protect confidential matters not at issue or not relevant to individual litigation.
- Provide budget planning information by determining costs of litigation because of lost staff time, overtime, travel, etc., and costs of implementing finalized court decisions.
- Provide information to CLS on the facility's/parole region's compliance in procedural or policy concerns.



- Ensure improvement in CLS responses to facility contacts by the courts and attorneys where appropriate (particularly when court makes requests of the facility).
- Schedule staff meetings or staff interviews for CLS and coordinate CLS contacts with the facility.
- With input from CLS, where appropriate, make recommendations to the Warden or RPA for implementation of procedural changes necessitated by prison litigation or court orders.

#### 14010.18 Civil Rights of Inmates

Under federal statute, the U.S. AG's Office may investigate complaints that incarcerated persons are being deprived of their federal constitutional rights.

If such an investigation is started based on an inmate/parolee complaint, an affected employee may request representation by the State AG's Office.

Request for representation shall be made in writing.

#### 14010.19 Inmate Access to Court

State and federal law guarantees inmates access to the courts to litigate issues. An inmate may bring a lawsuit or be sued, like any other person.

No inmate shall be disciplined or punished in any way for instituting or maintaining a lawsuit. Sanctions shall only be imposed by the courts, not by departmental employees, if an inmate uses or abuses the right of access to the courts.

#### 14010.19.1 Filing Fee for Inmates to Initiate State Civil Actions

Statute and regulations require the Secretary to collect a \$3.00 filing fee, separate from any other fees required from the court, for each state civil action initiated by inmates while incarcerated with the Department. Civil actions are defined as non-criminal.

The fee is to be charged to the inmate's trust fund. Inmates shall fill out a CDC Form 193, Trust Account Withdrawal Order, specifically identifying the purpose of the withdrawal, the parties associated with the action, and the court where the filing is to be sent. The CDC Form 193 shall be processed in the trust office, marked "PAID," and signed by the trust staff deducting the \$3.00 filing fee from the trust account. If the inmate trust account does not have \$3.00 available to pay the filing fee, the CDC Form 193 shall be marked "NSF" to reflect that funds were not available to pay the filing fee.

Inmates shall not handle completed CDC Forms 193. After the CDC Form 193 has been marked "PAID" or "NSF," it shall be provided to a designated staff member, who shall place it in the package in accordance with current legal mail procedures, prior to sealing and initialing of the envelope.

#### 14010.20 Staff Assistance to Inmates

Employees shall not assist an inmate/parolee in the preparation of any legal document except as provided in the CCR 3160, for inmates/parolees who are illiterate or physically incapable. Employees shall not give any form of legal advice. Employees are permitted to help inmates/parolees find qualified assistance for their legal problems, but only through referrals to the California Bar Association, the local county bar associations, or a local attorney referral service listed in the telephone yellow pages. Referrals to specific attorneys are prohibited.

#### 14010.21 Legal Copying Services

Copy service is provided as a convenience for inmates in preparing legal documents. The number of copies required by applicable court rules to be filed with the courts and to be served on all parties and other persons in the litigation shall be provided. Other persons may include the AG's Office, the inmate's attorney, and the Secretary's Office. The inmate shall be provided with one extra copy of the document for his or her own records. One additional copy of a petition for a writ of habeas corpus filed in State court shall be provided to the inmate for mailing to the appropriate DA.

Printed forms required by State and federal courts, which are made available by the courts to the Department, shall be provided without charge to inmates.

Inmates shall be required to pay for necessary duplication of printed forms and other written or typed materials, special paper, envelopes, and postage for mailing to the courts, except these items shall be provided at no charge to an indigent inmate as described in CCR 3162 and 3165(d).

#### 14010.21.1 Abuse of Legal Copying Services

Copy service shall be restricted when:

- An inmate abuses the service to the extent that other inmates are deprived of such service or
- An unnecessary expense to the State results.

Authority to restrict copy service shall not be delegated below the level of Captain. Reasons for the restriction of service shall be documented by using a CDC Form 128-B, General Chrono.

#### 14010.21.2 Legal Documents

The following are considered legal documents for the purpose of providing copy service to inmates:

- Writs--habeas corpus, mandate, etc.
- Civil rights complaints.
- Civil complaints or answers.
- Petitions for hearings in appellate courts.
- Motions to proceed "in forma pauperis" (without funds to hire counsel).
- Exhibits, including slip opinions of the California Court of Appeals, when attached to petitions for hearing in the State Supreme Court.

#### 14010.21.3 Non-legal Documents

The following are considered non-legal documents for the purpose of providing copy service to inmates:

- Law book pages.
- Law review articles.
- Court transcripts.
- Correspondence with attorneys or public officials.
- Slip opinions, except as noted above.

Inmates shall be charged for copies of these documents.

#### 14010.21.4 Size and Number of Copies for Court Documents

The number of copies required by the courts of the following documents is:

Court	Writs of Habeas Corpus	Appeals & Certiorari Petitions	Hearings and Other Writs	Exhibits
U.S. Supreme Court	Original and Appendix (a)	Original and 8 Copies	—	Original
U.S. Court of Appeals	Original and 3 Copies	Original and 15 Copies <sup>(b)</sup>	—	Original and 3 Copies
U.S. District Courts	Original and 3 Copies	—	—	Original and 3 Copies
State Supreme Court	Original and 14 Copies	Original and 14 Copies	Original and 14 Copies	Original and 1 Copy
State Court of Appeals	Original and 3 Copies	Original and 3 Copies	Original and 3 Copies	Original and 1 Copy
State Superior Courts	Original	—	—	Original

(a) Indigent inmates--original and In Forma Pauperis affidavit.

(b) Indigent inmates--original and four copies.

Paper size for all courts is 8 1/2" x 11."

#### 14010.22 Notarization of Legal Documents

Each Warden shall identify and designate a Notary Public Coordinator, have an adequate number of commissioned notaries public to accommodate inmate requests, and designate a secured storage area for supplemental identification cards. Upon request from an employee, an inmate, or an inmate's attorney, notary service shall be provided upon payment of established notary fees.

Documents requiring notarization may be notarized only upon the inmate's payment of the established notary fee. Inmates who request notarization of court documents, but who cannot pay the established fee, shall be advised that the courts permit an alternative to notarization. Under CCP 2015.5 and Title 28, U.S.

Code (USC) 1746 (cited as 28 USC 1746), documents can be filed with a declaration under penalty of perjury.

Notary services shall be provided as expeditiously as possible, consistent with security and other operational needs.

An employee acting as a notary shall not read a document to witness the signature other than to ascertain the title or description of the document for the notary's record book and to ensure the person whose signature is being witnessed signs it in front of the notary.

#### **14010.22.1 Identification of Persons**

An employee acting as a notary may only acknowledge an instrument in accordance with the current Notary Public Handbook published by the Secretary of State.

Satisfactory evidence for incarcerated inmates shall be a supplemental inmate identification card as described below.

Supplemental inmate identification cards will include the inmate's full name, physical description (height, weight, hair, eyes, date of birth, and gender), the inmate's photograph, the inmate's signature, the inmate's CDC number, and contain the following heading: "California Department of Corrections and Rehabilitation (CDCR), Temporary Supplemental Identification (ID) Card for Notary Purposes Only." These cards are used for the sole purpose of identifying inmates for notary services and will not be given to the inmate at any time for any reason.

Each institution shall develop and maintain a DOM Supplement in accordance with Civil Code Section 1185, DOM Chapter 1, Article 18, Legal Matters, and DOM Chapter 1, Article 6, Policy Directives.

#### **14010.23 Legal Information for Parole Agents**

DOM 80000 contains additional information governing how the DAPO staff handles legal matters unique to that division.

#### **14010.24 Education of Professionals from the Judicial System**

Professionals of the judicial system shall be kept informed about programs and services available to inmates within the Department. This can be accomplished by:

- The Department's participation in the annual Superior Court Criminal Law Institute.
- Participation in programs presented by the California Center for Judicial Education and Research.
- The Secretary's Annual Report to municipal and superior courts.
- Acquainting professionals in the criminal justice and judicial system regarding the programs and services available to persons committed to the Department as civil narcotic addicts as an alternative to commitment as a felon.

In accordance with the provisions of DOM 13020, Wardens may invite professionals of the judicial system into facilities to observe operations and activities and gain first-hand, up-to-date knowledge about the programs and services available to inmates.

#### **14010.25 Revisions**

The Assistant Secretary, OLA, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

#### **14010.26 References**

CC §§ 1185 and 1798, et seq.

CCP §§ 415 et seq., and 2015.5.

EC §§ 1043 and 1046.

GC §§ 3300, et seq.

PC §§ 832.7, 832.8, 1170(d), 1203.03, 1328, and 1328.5.

18 USC 1746.

CCR (15) (3) §§ 3160, 3162, 3165(c), 3165(d), and 3413(a)(10).

DOM §§ 12010, 13020, and 13040.

### **ARTICLE 19 — RESEARCH AND PLANNING**

*Revised March 6, 1995*

#### **14020.1 Policy**

A research section has been established to facilitate review and evaluation of programs and basic operational procedures for the purpose of promoting greater effectiveness and efficiency in achieving departmental goals.

#### **14020.2 Purpose**

This section outlines the scope of the Department's research operations and specifies the procedures used in submitting research proposals.

#### **14020.3 Definitions**

##### **Research**

Research is the application of the scientific method for the extension of knowledge. The objective of this method is to prove the validity and reliability of any statement at the highest possible level of certainty in accordance with the rules of mathematics, statistics and logic.

##### **Biomedical Research**

Biomedical research is research relating to or involving biological, medical, or physical science.

##### **Behavioral Research**

Behavioral research involves, but is not limited to, investigation of human behavior, emotion, adaptation, conditioning, and response in a program designed to test certain hypotheses through the collection of objective data.

Specifically excluded from the definition of behavioral research is the accumulation of statistical data in the assessment of the effectiveness of programs to which inmates are routinely assigned such as, but not limited to, education, vocational training, productive work, counseling, recognized therapies, and programs which are not experimental in nature. This type of research may be carried out in the Department.

#### **14020.4 Restrictions**

No biomedical research shall be conducted on any inmate under the jurisdiction of the Department.

Specific kinds of behavioral research on inmates are permitted and governed by the Penal Code. The kinds of behavioral research that may be conducted on inmates are limited to:

- Studies of prisons as institutional structures.
- Studies of prisoners as incarcerated persons who present minimal or no risk and no more than mere inconvenience to the subjects of the research.
- Studies of the possible causes, effects, and processes of incarceration.

The use of behavioral modification techniques in research on inmates is authorized by the Penal Code only if such techniques are a medically and socially acceptable means by which to modify behavior and if such techniques do not inflict permanent physical and psychological injury on inmates.

#### **14020.5 Research Advisory Committee**

A Research Advisory Committee has been established to provide routine review and oversight of behavioral and other research activities in the Department.

Membership of the Research Advisory Committee is comprised of:

- Deputy Director, Evaluation and Compliance (chairperson).
- Assistant Deputy Director, Institutions.
- Assistant Deputy Director, P&CSD .
- Chief of Research.
- Two academic community representatives engaged in criminal justice research.

#### **14020.5.1 General Responsibility of Committee**

The Department is held accountable for the conduct of all research on inmates. This accountability is ensured through the Research Advisory Committee in that its functions include overseeing behavioral and other research activities within the Department. No behavioral or other research shall be conducted on inmates or parolees without review by this committee. General functions of this committee shall include:

- Reviewing proposed research projects and recommending approval or disapproval to The Director.
- Overseeing research projects in progress, ensuring adherence to state laws, departmental policies and standards for research on human subjects.
- Preparing the biannual report to the Legislature as required by PC. This report shall include a review of each research project approved and conducted during the time period covered by the report.

#### **14020.5.2 Specific Responsibility**

Specific functions of this committee shall include ensuring that:

- Any risks to inmates consenting to research are outweighed by the benefits they shall receive and the knowledge that will be gained from the research.
- The rights and welfare of inmates are adequately protected and the security of any exempt personal information is maintained.
- Procedures for the selection of inmates for research projects are equitable and that they are not unjustly deprived of the opportunity to participate.

- A means is established for adequately compensating research-related injuries.
- Legally effective informed consent is obtained from all participating inmates.
- The rate of remuneration is comparable to that received by non-prisoner volunteers in similar research.
- The conduct of research projects is reviewed at timely intervals.

The above holds true for any research on parolees, where the research is concerned with the subjects as parolees, and where the individuals or organization conducting the research seek to contact the parolees through the P&CSD.

#### **14020.6 Informed Consent**

An inmate/parolee shall be deemed to have given their informed consent only if the following conditions are met:

- Consent is given without duress, coercion, fraud, or undue influence.
- Inmate/parolee is informed in writing of the potential risks and benefits of the proposed research.

#### **Language**

- Inmate/parolee is informed both orally and in writing, in a language in which subject is fluent, of each of the following:
  - An explanation of the behavioral or other research procedures to be followed and their purpose, including identification of any procedures which are experimental.
  - A description of all known attendant discomforts and risks reasonably to be expected.
  - A disclosure of any appropriate alternative behavioral or other research procedures that might be advantageous for the subject.
  - The nature of the information sought to be gained by the experiment.
  - The expected recovery time of the subject after completion of the experiment (if applicable).
  - Amount of remuneration to be received.
  - Manner in which the prisoner may obtain treatment if research related injuries occur.
  - An offer to answer any inquiries concerning the applicable behavioral or other research procedures.
  - An instruction that the person is free to withdraw his consent and to discontinue participation in the research at any time without prejudice.

#### **14020.7 Project Approval**

All research activities and proposals involving departmental facilities, employees, inmates, or parolees shall be submitted, in the format described in the DOM 14020.8, to the Chief of Research, who shall coordinate the process of departmental review and approval.

Review of research proposals shall be carried out by the Research Advisory Committee. For each proposal, the committee shall recommend that it be approved, approved with qualifications, or disapproved. The recommendation shall be submitted to the Chief Deputy Director for final approval/disapproval.

#### **Projects**

Projects requiring this approval process include:

- Departmental research conducted by employees of the Department.
- Research conducted jointly by outside agencies and departmental employees.
- Outside agency research conducted with the Department.
- Research conducted by students in conjunction with their academic studies or recognized apprenticeship service.

#### **Agreement**

Persons/agencies outside the Department, prior to project approval, shall sign an agreement to adhere to the requirements established herein.

#### **Reports**

Agencies/persons conducting research in the Department shall be required to submit progress reports on their projects at the request of the Chief of Research. Information from these reports shall be included in the biannual report transmitted to the Legislature.

#### **14020.8 Preparation of Proposals**

All research proposals submitted for departmental approval shall contain:

##### **Introduction**

- Brief statement of the objectives of the proposed study; what questions are being asked or what hypotheses tested.
- Specific values of the project with particular focus on administrative decisions to which the findings might be pertinent.

##### **Methodology**

- A description of the research methods to be used (e.g., experimental-control group, matchedPAir comparisons, exploratory interviews, etc.) and the approach to be taken (descriptive, experimental hypotheses testing, or participant observation).
  - A description of the measuring devices to be used, (i.e., scales, tests, questionnaires, etc.). If measuring instruments are other than those routinely administered in the Department, a copy of the instruments shall be forwarded with the proposal. If they are to be developed as part of the project, a statement of their intended character and rationale shall be included.
  - The institution or parole units where the proponents intend to collect data.

##### **Resources Required**

- Names and working titles of personnel involved (both employees of the Department and of other agencies), and their responsibilities in the project.
- An estimate of departmental staff time to be devoted to the project.
- Beginning and ending dates of the study.
- Additional operating or equipment costs to the State, including alterations to or additions of space.
- Demands on the time of inmate subjects and a plan for the compensation of the inmates.
- Source of funding.

##### **Other Required Documents**

- A copy of the informed consent form that shall be used in the project which shall include as a minimum those items listed in DOM 14020.6.
- An up-to-date curriculum vitae (resume) for each professional staff member of the proposed project.
- For student research projects, a letter from the student's faculty advisor stating that the student will be working on the project under his/her supervision and that the project has the approval of the student's college or university.
- A privacy certification signed by the principal investigator of the project outlining procedures for protecting exempt personal information and certifying that these procedures shall be carried out.
- For any proposal previously reviewed by a human subjects committee in a university or outside research organization, a copy of the record of the committee's approval.

#### **14020.9 Grievances**

Any inmate/parolee who has a grievance concerning the operation of any particular research program conducted under the authority of the Department may appeal using established appeal procedures (see DOM 54100).

#### **14020.10 Research Related Injuries**

Any physical or mental injury of an inmate resulting from participation in behavioral research, irrespective of the causation of such injury, shall be treated by the Department promptly and on a continuing basis until such injury is cured.

#### **14020.11 Revisions**

The Assistant Director, OOC, or designee, shall ensure that the contents of this section are accurate and current.

#### **14020.12 References**

PC §§ 3500 - 3524.

ACA Standards: 2-4019 - 2-4114, 2-3101, 2-3102, 2-2057 - 2-2063.

### **ARTICLE 20 — POLYGRAPH**

*Revised March 6, 1995*

#### **14030.1 Policy**

A polygraph examination is a tool, which may be used during official departmental investigations, by which the polygraph examiner formulates an opinion as to the veracity of statements made by an examinee.

**14030.2 Purpose**

This section seeks to ensure that the rights of the persons being examined (herein referred to as the examinee) are protected through the consistent compliance of all statutes and regulations governing the polygraph examination process.

**14030.3 Responsibility — Director**

The Director retains overall responsibility for the proper administration of all polygraph examinations by departmental staff.

**14030.3.1 Responsibility — Assistant Director, LEIU**

The Assistant Director, LEIU, supervises departmental employees who perform polygraph examinations and the administration of all such examinations.

**14030.3.2 Responsibility — Polygraph Examiner**

The polygraph examiner shall not knowingly violate the rights of the examinee. The examiner shall comply with all statutes and regulations governing the polygraph examination process. The examiner shall not conduct a polygraph examination without proper authorization.

The examiner shall not disclose or discuss the examination or the results of the examination with anyone not authorized to receive the information.

**14030.4 Polygraph Examiners and Equipment**

Only staff of the Office of LEIU shall conduct polygraph examinations. Only equipment approved by the Assistant Director, LEIU, shall be used during a polygraph examination conducted by departmental staff.

**14030.5 Who May Request a Polygraph Examination**

An employee, inmate, or parolee under investigation for an alleged violation of the law or a regulation may make a request for a polygraph examination.

No person shall be ordered to take a polygraph examination. No coercion or offer of reward shall be used to induce any person to take a polygraph examination.

**14030.6 Conditions for a Polygraph Examination**

The following conditions shall be met before a polygraph examination may be conducted:

- If an employee requests or agrees to an examination, they shall have completed and signed a CDC Form 1498, Employee Request For Polygraph Examination.
- The examinee shall have voluntarily consented to the examination.
- The examinee shall have voluntarily signed a CDC Form 1499, Polygraph Examination Consent, Release, and Waiver.
- The prior approval of the Assistant Director, LEIU, shall have been obtained.

**Used During Investigation**

The polygraph examination shall be used only when there is an active departmental investigation in progress and other investigative efforts have been exhausted.

All employees of the CDC shall be afforded the protections provided under the Public Safety Officers Procedural Bill of Rights concerning the use of polygraph examinations.

For further information concerning an employee's rights in situations which might result in an adverse personnel action, the reader is directed to the DOM 31140, Internal Affairs Investigations; and 33030, Adverse Personnel Actions.

**14030.7 Approval for Polygraph Examinations**

The Assistant Director, LEIU, or in their absence, the Administrative Senior Special Agent, shall review and approve all requests for a polygraph examination.

**14030.8 Requests from Other Agencies for a Polygraph Examination**

The Assistant Director, LEIU, may permit the administration of a polygraph examination by departmental staff upon written request from another law enforcement agency when a departmental employee, inmate, or parolee is under investigation, and/or a departmental interest can be served.

When a paroling authority requests a polygraph examination, the chairperson of the appropriate board shall make a written request to the Assistant Director, LEIU.

**14030.9 Polygraph Examinations by Other Agencies**

Polygraph examinations may be administered by non-departmental persons to inmates and parolees under the Department's jurisdiction only under the following conditions:

- With the prior approval of the Assistant Director, LEIU, and
- Under such conditions and at a time and place set by the Warden or RPA having jurisdiction over the inmate or parolee, and
- With the consent of the DA of the involved county, when in connection with the guilt or innocence for an offense in which a conviction resulted, or
- When ordered by a court having jurisdiction in a currently pending criminal case.

**14030.10 Polygraph Examination Results**

Upon completing a polygraph examination, the examiner may discuss with the examinee, in general terms, the opinion formed as a result of the examination. The opinion formed may be that the examinee has been "truthful" or "deceptive" in answering the questions. If the examiner is unable to reach an opinion based upon the examination, the result would be the examination was "inconclusive."

When in the opinion of the polygraph examiner the examinee has been truthful, the examiner may express that opinion to the examinee and terminate the examination.

When in the opinion of the polygraph examiner the examinee has been deceitful, the examiner may confront the examinee with that opinion in the attempt to elicit truthful answers. In this case, the examination may continue.

Except in unusual circumstances, polygraph examinations shall not be used as substitutes for or to check the outcome of inmate disciplinary hearings, parole revocation hearings, or parole rescission hearings.

**Confidential**

The written report and all examination materials shall not be considered public documents. They shall not be released or disclosed. They are considered part of an ongoing investigation and, as such, are classified as confidential.

The examiner's report shall be made available to the Director, the Assistant Director, LEIU, and the Warden or RPA having jurisdiction over the employee, inmate, or parolee unless specifically restricted by the Director. A copy of the report shall be retained in the files of the Office of LEIU.

**14030.11 Revisions**

*Revised July 19, 2010*

The Assistant Director, OCS, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

**14030.12 References**

B&PC § 9303, et seq.

GC § 3300, et seq.

PC § 637.4.

CCR (15) (3) § 3293.

DOM §§ 31140 and 33030.

Public Safety Officer's Procedural Bill of Rights.

**ARTICLE 21 — RESERVED****ARTICLE 22 — LEGISLATION**

*Effective January 25, 1990*

**14050.1 Policy**

The Department shall operate in compliance with the statutes and regulations established by the Legislature and control agencies.

**14050.2 Purpose**

This section seeks to establish guidelines for ensuring that all proposed legislation affecting the Department is analyzed, the Department's interests are made known to the Legislature, and the departmental reports to the Legislature are submitted in a timely manner.

**14050.3 Responsibility**

The Director retains overall responsibility for effectively communicating and interfacing with the Legislature.

**14050.3.1 Responsibility — Assistant Director, LLO**

The Assistant Director, LLO shall ensure that all proposed legislation affecting the operation of the Department receives timely analysis and the Department's concerns and positions on proposed legislation are made known to the Legislature; respond to inquiries from the Legislature, its committees and aides,

and ensure that reports required by the Legislature are properly prepared and transmitted in a timely manner.

#### 14050.3.2 Responsibility — Operating Units

Upon request from the Assistant Director, LLO, operating units shall prepare proposed responses to legislative inquiries, prepare proposed analyses of pending legislation, prepare proposed mandated reports to the Legislature and provide information and statistics to assist others in the preparation of the Department's position.

#### 14050.3.3 Responsibility — Employees

An employee who becomes aware of proposed or pending legislation that may affect the Department shall notify the Assistant Director, LLO. This shall be accomplished in the form of a brief memorandum identifying the author and subject of the legislation. This shall be transmitted through the employee's normal chain of command.

Some bills are sent to staff members for information only. If the recipient of a bill, sent for information only, determines that it is one on which the Department should have an official position, they shall contact the LLO for a decision concerning a formal bill analysis.

#### 14050.4 Bill Analysis

Changes in the law can have tremendous effects upon the Department's policies, procedures, personnel and budget. It is vital that proposed legislation affecting the Department be identified and analyzed concerning its impact upon the Department.

Bill analysis shall be given the highest priority in order that the Department can have maximum, effective, timely input into the establishment of laws impacting departmental operations.

##### 14050.4.1 Bill Analysis — Responsibility

Legislative measures of interest to the Department shall be logged and transmitted by the Assistant Director, LLO to the appropriate assistant or deputy director for analysis. A CDC Form 853, Request for Legislative Bill Analysis shall be attached to indicate the type of analysis requested and a due date.

The assistant or deputy director shall immediately assign the request for bill analysis to an appropriate staff person.

The assigned staff member shall:

- Secure from other staff or units any information necessary to analyze the bill.
- Ensure the bill analysis is completed by the due date and meets format and content standards.
- Contact the LLO of unusual circumstances that preclude completion of the bill analysis by the due date.
- Forward the completed bill analysis to the assistant or deputy director.

The assistant or deputy director shall review the bill analysis and forward it to the LLO.

##### 14050.4.2 Bill Analysis — Time Limits

The due date is shown on the CDC Form 853, as well as the time required for the analyst to send the completed work back through the assistant or deputy director for signature and to forward it to the Assistant Director, LLO.

##### Time Limits

The time limits are:

- Five working days for the first time analysis of a legislative bill.
- Three working days for a fiscal analysis.
- Three working days for analysis of an amended bill.

##### 14050.4.3 Bill Analysis — Format And Content — Original Bill

A bill analysis response is prepared and forwarded on a CDC Form 1617, standard Memorandum, and shall identify the bill by number and author. The caption headings, in the bill analysis, shall be the following:

- **Summary of Bill:** This is a concise summary of what the proposed bill would do. This should emphasize its effect on the Department.
- **Background:** This should include any information the staff has about how this bill developed and/or why it is being proposed. If this is not known, this section should so state. DO NOT CONTACT THE LEGISLATOR to attempt to obtain this information.

- **Specific Findings:** This states a summary of the current law and compares existing law, policy and practice with the proposed changes. This section seeks to give the lay, non-correctional reader a clear understanding of the present situation and how the proposed bill would change current policies, procedures, etc..
- **Analysis:** This is a concise discussion of how the proposed bill will impact current departmental operations. This section is critical to the Department's response to the bill. It should briefly discuss:
  - What will the bill cause the Department to do or not do?
  - How many employees, inmates or parolees will be effected by the change?
  - Can the changes be made within the proposed times?
  - Is the change practical?
  - Is there a better way to accomplish the same effect or goal?
  - Is the bill technically correct (does it properly reflect existing law, cite the correct section numbers, etc.)?

**Note:** There are some bills that would be more desirable or less desirable, for the Department, if some specific amendments could be made. In this situation, the staff preparing the analysis should outline and speak to these possible amendments.

- **Fiscal Impact:** This section indicates the immediate and projected long term net cost or savings, if known. The fiscal impact may be prepared separately, by fiscal staff, and joined when the bill and fiscal analysis reach the LLO.
- **Recommendation:** This section is a staff recommendation to the Assistant Director, LLO, on the position the Department should take regarding the bill under analysis. The following recommendations may be made:
  - **Support:** The Department should support the bill as it will have some beneficial, positive effect on the operation of the Department.
  - **Support If Amended:** The bill would be desirable for the Department, if the specific changes were made in the bill.
  - **Neutral:** The change made by the bill will have no significant effect on the Department.
  - **Oppose:** The Department should oppose the bill as it will have some adverse, negative effect on the operation of the Department.
  - **Oppose Unless Amended:** The basic thrust of the bill will have some adverse, negative effect on the Department unless the objectionable portions can be removed.

##### Signed By

The bill analysis shall be signed by the assistant or deputy director having administrative responsibility over the staff who prepared the analysis.

##### 14050.4.4 Bill Analysis — Format And Content — Amended Bill

This covers a bill that has been amended by the Legislature and it may, or may not, have previously been analyzed. The amendment may, or may not, change the thrust of the bill, its impact upon the Department and/or the Department's position on the bill. A single bill may be amended several times during the legislative process, and staff may be requested to perform more than one analysis of the bill or its amendments.

It will not be necessary to repeat an analysis of unchanged portions of an amended bill, unless new information is developed that could significantly affect the Department or the Department's recommended position. The extent of the new analysis will depend both on the complexity and significance of the amendments and the availability of new information. Normally, a statement as to any change made by an amendment, and the effect it has, will suffice.

In some instances the amendments will be so extensive that an entire new analysis must be made in order to clearly present the effects of the amendments.

The analysis of an amended bill shall be prepared in memorandum form, just as the original analysis. The same caption headings shall be used, but only use those necessary to the analysis of the amended portions of the bill. The analysis shall be signed by the assistant or deputy director having administrative authority over the staff who prepared the analysis.

##### 14050.4.5 Bill Analysis — Format and Content — Enrolled Bills

When the final version of a bill, as passed by the Legislature is forwarded to the Governor for signature, a complete new analysis is required. Drawing on information already furnished, this final analysis is normally completed by the LLO.

A copy will usually be sent to the staff member responsible for the analysis for one last review.

Staff reviewing an enrolled bill shall compare it with the last version analyzed and immediately notify the LLO if any significant change is discovered.

**14050.5 New Statute — Implementation Reports**

The law requires that each State agency responsible for the implementation of a new program or regulatory action report a summary of the actions taken to implement the statute or regulation to specified members and committees of the Legislature.

**14050.5.1 New Statute Implementation Reports — Time Limits**

Implementation reports prepared by the Department shall be submitted to the YACA in sufficient time that they can be forwarded to the Legislature within six months of the effective date of the measure, or within six months of the operative date, whichever is later.

No later than 30 days prior to the date the implementation report is due to the Legislature, the responsible division shall forward its completed report, in final draft form, to the Assistant Director, LLO for review.

**14059.5.2 New Statute — Implementation Reports — Responsibility**

Assignment for implementation usually occurs at the executive staff meeting during briefing on new statutes. Divisions given primary responsibility for implementation of new statutes shall be responsible for preparing the required implementation reports.

**14050.5.3 New Statute — Implementation Report — Procedures**

The final draft of the implementation report shall be forwarded to the Assistant Director, LLO.

- Reviewed by the affected executive staff and corrections suggested.
- Returned to the responsible program unit.

**Final Report**

The final report shall be prepared and forwarded through the Assistant Director, LLO, and Chief Deputy Director to the Director for signature.

**Approved and Signed**

Once approved and signed by the Director, the report is returned to the LLO. The necessary copies are made, and the report is forwarded to the YACA for distribution to the Legislature.

**14050.6 Legislative Reports**

The Department is required to prepare a variety of reports for the Legislature. These reports may be in response to statutory requirements, budget control language, or committee requests.

**14050.6.1 Legislative Reports — Requirements**

The Assistant Director, LLO shall be responsible for identifying the various reports needed, except that the Deputy Director, ASD, shall be responsible for identifying reports required by budget language.

**Each Fall**

Each fall, as part of its annual review of legislative actions affecting the Department and assignments for implementing new statutes, executive staff members shall be assigned responsibility for preparing legislative reports. The staff member designated by the Director shall be responsible for instructing the program unit to prepare the necessary reports and ensuring that reports are submitted to the Legislature on a regular, periodic, or one time basis, as required.

Any program unit made responsible to prepare a report through any other means shall inform the Assistant Director, LLO, so the assignment can be reviewed; another assignment made, if appropriate; and the report completed in ample time to transmit the report in a timely manner.

**14050.6.2 Legislative Reports — Format**

Legislative reports shall be prepared on plain white 20 lb. bond paper in the following format:

- The body of the report shall be typed in block form.
- If captions are used, they shall be typed in initial capital letters and underscored.
- Paragraphs are to be single spaced with double spacing between them.
- Pages shall be numbered in the upper right corner of each page, with the report control number also appearing on each page, just above the page number.

**Sections**

Each section of the report described below shall appear in the report in the order listed:

- **Cover:** Each report shall have a front and back cover of beige cover-stock paper. The front cover is to include the title of the report, centered, with the "Department of Corrections" just below the title, and the date and control number in the lower right corner.
- **Preface:** The preface shall be on plain white bond paper. It shall be entitled "Preface", underlined and centered with the date in the upper-right corner. It should include the following sections:
  - Purpose of the report (statutory, committee request, etc.).
  - Scope of the report.
  - Brief statement covering the highlights of findings and recommendations.
  - The Director's signature (two copies of the report shall bear the original signature and be delivered to the Secretary of the Senate and the Chief Clerk of the Assembly).

**Note:** A record is kept of all reports received in the Legislature. The preface will be published in the appropriate legislative journal.

- **Table Of Contents:** A table of contents is appropriate when the report covers several subjects or extensive/complex material requiring various subheadings.
- **Executive Summary:** This summary states the purpose and scope of the report, and shall include a statement of findings and recommendations.
- **Body Of Report:** This section briefly states the purpose of the report, including a summary or quote of the legislative request, and summarizes the method used in conducting any studies, research, polling, etc., to prepare the report. Include acknowledgements of cooperation and assistance received. The report shall be clear and concise.
- **Recommendation/Evaluation (Optional):** It is sometimes more appropriate to place recommendations and evaluations into a separate section. When this is done, the sections should be labeled as such. Any evaluation, recommendation or conclusion should be substantiated.
- **Appendices:** Unless charts, statistics, graphs, footnotes and other technical support material complement the body of the report, they should be placed in this separate section at the end of the report.

**14050.6.3 Legislative Reports — Review**

The final draft of a legislative report is due in the LLO 30 days before the final report is due to be delivered to the Legislature.

The writer of the final draft report shall submit the documents and the Governor's transmittal memo (without the beige cover), to their immediate supervisor.

The supervisor shall review the documents and forward them, through channels, to the LLO.

The LLO shall:

- Review the documents.
- Assign a control number.
- Forward the documents to the Director for review and approval.

**Forward Documents**

After the Director signs the transmittal memo, the LLO shall forward the documents to the YACA for review and approval and then forward to the Governor's office for review and approval.

**Governor Signs**

When the Governor signs the transmittal memo, the documents are returned to the LLO, then forwarded to the program unit.

The program unit shall:

- Prepare, proof and duplicate the final report and transmittal letter.
- Attach the beige cover.
- Forward the final report and transmittal letter (two originals) to the Assistant Director, LLO.

**Director Signs**

The Assistant Director, LLO shall obtain the Director's signature on the report and transmittal letter and return the documents to the program unit.

The program unit shall:

- Prepare copies in accordance with the DOM 14050.6.4, after consulting with the LLO regarding additional copy requirements.
- Retain one copy of the documents.
- Forward the original documents and copies to the LLO for distribution.

**14050.6.4 Legislative Reports — Distribution**

Unless the LLO specifically issues other instructions, at least 17 copies of each report shall be prepared. One copy shall remain in the unit preparing the report.

The balance of the reports shall be distributed as follows:

- Secretary of the Senate (with original signature).
- Chief Clerk of the Assembly (with original signature).
- Speaker of the Assembly.
- President Pro Tempore of the Senate.
- Minority Floor Leader of each House.
- Chairperson of the appropriate policy/fiscal committees of each House.
- Lead author of the legislation authorizing the report.
- Assembly Office of Research.
- Senate Office of Research.
- Joint Legislative Committee on Prison Construction and Operations.
- Any legislative member or committee mandated in the language of the bill.
- LLO.
- LAD-RMU and PMU.
- DOF.
- YACA.

#### **Additional Reports**

When both the policy and fiscal committees of each House are to receive a report, additional copies shall be prepared for the minority staff of each fiscal committee.

These guidelines are intended to provide a standard format and procedure for processing legislative reports. Exceptions to this format and process may include brief reports that merely transmit data that can be contained in letter form, and reports in which the subject or issue is sufficiently unique to dictate the need for an alternative format, and reports to individual committees. Any questions regarding the preparation or distribution of these reports, or exceptions to these requirements, should be addressed to the Assistant Director, LLO; (916) 445-4737.

#### **14050.7 Proposed Legislation**

Proposed legislation shall be submitted to the Assistant Director, LLO.

##### **14050.7.1 Proposed Legislation — Format and Content**

Proposed legislation shall be submitted on a CDC Form 852, Request for Approval of Proposed Legislation. The caption headings in the proposed legislation shall be the following:

- Title: A one line description of the subject of the proposed bill for purposes of identification.
- Problem: A concise statement in nontechnical terms of the problem and why legislation is necessary to solve the problem.
- Proposed Solution: The proposed solution shall be in three sections:
  - Existing Law: Outline in nontechnical language how these items are currently handled under existing law, i.e. what is required to be done under current law. Thoroughly explain current practices and the reason a change is needed. Use examples.
  - Proposed Change: Outline in nonlegal terms how the items would be handled under the proposed change.
  - Justification: State the reason why legislation is needed. Indicate the results or impact if the legislation was not enacted. If alternatives were considered but rejected in favor of the Legislative proposal, give the reason for rejection of the alternative.
- Fiscal Impact: If the proposal has fiscal implications, estimate the cost breakdown for the first two years. Include local and GF costs, or special fund costs. Indicate amount and source of revenue if the proposal will result in additional revenues. Identify any change in staffing requirements and explain why the current level of staffing is inadequate to carry out the purpose of the legislation. Consult with fiscal staff for assistance in this area.
- Legislative History: Identify possible opposition and support for the proposal when known, i.e. agencies, organizations, other individuals.

- Include prior legislation on the subject, if any. Give year, author and bill number if known. If a previous proposal was submitted on the subject, give year and/or number.

#### **Answer Questions**

The following basic questions shall be answered:

- What is the need for this legislation?
- Will the proposed legislation, if enacted, meet this end?
- What will it cost?
- Was the cost reviewed during budget discussions?
- Are the benefits to be derived in line with the costs?
- Is the proposed legislation consistent with the Department's objectives?
- Are alternatives available which better solve the problem?
- Is the responsibility for meeting this need placed at the proper level of government - city, county, state?
- Does any conflict exist with any other state department? Have all attempts to resolve the conflict failed?
- Will the proposal be opposed by anyone? Specify.
- Please attempt to quantify your proposal. For example, how many persons will it affect? How much time is involved, etc.?

*Note:* Questions regarding proposed legislation format and requests for assistance shall be directed to the Assistant Director, LLO.

#### **14050.7.2 Proposed Legislation — Review**

Executive staff shall review the proposals.

The Assistant Director, LLO shall transmit approved proposals to the YACA for review and approval.

#### **14050.8 Revisions**

The Assistant Director, LLO, or designee, shall ensure that the contents of this section are accurate and current.

#### **14050.9 References**

GC § 11017.5.

## **ARTICLE 23 — RECORDS MANAGEMENT**

*Revised May 14, 2002*

#### **14060.1 Policy**

The CDCR shall maintain a records management program to ensure the efficient creation, use, maintenance, retention, preservation, and disposition of records, files, and micrographics.

#### **14060.2 Purpose**

This Article establishes the requirements of the records management program as mandated by current statutes, laws, regulations, State policy, and collective bargaining agreements.

#### **14060.3 Definitions**

The following definitions are provided for the purpose of the Article:

##### **Active Record**

Any record accessed frequently.

##### **Archival Record**

Any record that has historical value and is preserved permanently at the California State Archives (CSA).

##### **California Records and Information Management (CalRIM)**

Program within the California Department of General Services (DGS) that provides management consulting services to assist agencies in developing and implementing an organizational records management program.

##### **California State Archives**

The California Secretary of State is responsible for maintaining any record of historical value at CSA for public reference after the CDCR's records retention period is completed.

##### **Confidential Record**

Any record which contains information exempt from individual, public, or CDCR review due to legal or security reasons.

##### **CDCR Archives**

The storage location of discharged inmate/parolee records.

##### **Inactive Record**

Any record required infrequently, but must be retained until the designated destruction date.

### Local Archives

Any local facility or office storage area where inactive or discharged records are retained in an organized boxed manner until the authorized destruction date.

### Microfilm

The process of reducing the size and volume of paper records by means of micrographic technology.

### Nonrecord

Any library or reference material, publications, blank form, informal notes, worksheets, and rough drafts of letters and reports.

### Official Record

Any nonduplicate, authentic record maintained as the CDCR's primary record used to substantiate any necessary follow-up activities.

### Personal Record

Any record that identifies or describes an individual including but not limited to: Name, Social Security number, physical description, home address, home telephone number, education, financial matters, medical or employment history, and statements made by or attributed to the individual. Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy (see Chapter 3, Article 20, Personnel Policies). Civil Code Sections 1798-1798.1, Information Practices Act (IPA), protects the collection, maintenance, and dissemination of personal records. (See Department Operations Manual (DOM), Chapter 1, Article 15, Information Practices.)

### Public Record

Any record maintained by the CDCR relating to the Department's business conduct that can be made available for public inspection in accordance with the Public Records Act. (See DOM, Chapter 1, Article 16, Public Records.)

### Record

Any paper, map exhibit, electronic disk or type, microfilm image, photographic film or print, building plan, or drawing.

### Records Coordinator (RC)

The individual responsible for the CDCR's Records Management Program and is located in headquarters.

### Records Destruction

The appropriate disposition of records through recycling or confidential destruction.

### Records Retention Schedule (RRS)

The document governing the authorized retention and disposition of all agency record systems as identified in the CDCR's Records Retention Handbook.

### Records Transfer

The organized movement of inactive or discharged records to the State Records Center (SRC), CDCR headquarters, or local archives for further retention, or the transfer of ownership to the CSA for historical purposes.

### State Records Center

The off-site records storage location owned and maintained by DGS to provide inactive records storage and confidential records destruction services for the State agencies.

### Vital Record

Any record that is essential for daily performance or reconstruction of basic CDCR programs during and following a major disaster.

#### 14060.4 Responsibility

Headquarters' Business Management Branch shall plan, organize, implement, and administer records management program policies and procedures.

#### 14060.5 Training

CDCR staff shall be provided general training regarding the policies and procedures to be followed to ensure compliance with State laws and regulations pertaining to records management.

#### 14060.6 Records Management

The following are provisions for Record Management within the CDCR in accordance with current statutes, laws, regulations, State policy, and collective bargaining agreements.

##### 14060.6.1 Records Coordinator

The Records Coordinator (RC) shall:

- Ensure the necessity, availability, and maintenance of records.

- Ensure the disposal of unnecessary records.
- Coordinate micrographic activities.
- Provide assistance to records liaisons.
- Submit required records reports.
- Obtain approval of record retention schedules.
- Arrange transfer of inactive/discharged records to SRC.
- Coordinate destruction of obsolete/discharged records by the paper recycle or confidential destruction programs.
- Approve and coordinate requests for purchase of filing, micrographic, and document destruction equipment.

#### 14060.6.2 Records Liaisons

Each division office, parole region, and facility shall appoint a records liaison that shall work with the RC to provide efficient records management. Staff Services Analysts shall be appointed for each parole region, and Procurement and Services Officers I and II (Correctional Facility) shall be appointed for each institution/facility.

#### 14060.6.3 Records Disclosures

Public records shall be available to the public and to all offices, but shall be removed only by authorized employees. Staff removing file material from its proper location shall replace the file material or folder with a card showing the following:

- Title of borrowed record.
- Name of borrower.
- Date record is borrowed.

Employees shall refer to the following for additional information:

Subject	DOM	Contact Person
Public Information	Chapter 1, Article 13	Public Information Officer
Information Practices	Chapter 1, Article 15	Local IPA liaison
Public Records	Chapter 1, Article 16	Local Public Records Officer
Legal Matters	Chapter 1, Article 18	Deputy Director

#### 14060.6.4 Records Locations

The following locations maintain the official records listed.

Location	Official Records
CSA	Historical documents selected to be retained for public research.
CDCR Archives	Inactive inmate/parolee case records.
Institution/facility	Institution/facility employee records, inmate case records, and blueprint drawings.
Local Archives	Inactive facility records.
Parole Region	Appropriate parolee case records.
Personnel Transactions	Official personnel files for headquarters.
Office of Facilities Management	Facility blueprints and drawings.
Regulation and Policy Management Branch	CDCR regulation and policy files.
SRC	Inactive or discharged CDCR files and confidential records for destruction.

#### 14060.6.5 Records Reports and Inventories

The State Administrative Manual (SAM) mandates that the CDCR complete and submit the Annual Progress Report on Records Management to DGS, CalRIM. This report is due to DGS by August 30. The RC shall coordinate the report and forward a report summary to Executive Staff.

SAM also mandates that each agency must inventory its records at least once every five years. The RC shall coordinate this inventory.



#### 14060.6.6 Record Retention Schedule

The guidelines for the legal retention, disclosure, and destruction of all CDCR records are listed in each operational unit's RRS.

Within three months after implementation of each operational unit, an RRS shall be initiated, and every five years thereafter, the RRS shall be updated. The RC shall provide the new operational unit a Std. Form 70, Records Inventory Worksheet, to be completed from which the RRS will be created. Every five years thereafter, a Std. Form 70 shall be provided the operational unit, along with a copy of the current approved Std. Form 73, RRS, and a Std. Form 72, Request for Approval of RRS, for review and approval. All forms shall be returned to the RC for further revision or processing.

Once approved by CalRIM and CSA, the RRS shall be included in the CDCR Records Retention Handbook. The updated RRS's will be distributed to provide all units with current RRS's.

#### 14060.6.7 Records Filing

##### Active Records

Active records shall be filed in an organized manner for the retention period listed in the RRS. Exception: Duplicate records must be routinely purged and retained a minimal time period.

##### Inactive or Discharged Records

Inactive or discharged records shall be filed in an organized manner in boxes in the appropriate archives (e.g., local archives for facility records, SRC for CDCR headquarters' records, or CDCR's headquarters' archive for inmate/parolee case records).

The following steps shall be followed in filing records:

Inspecting: Employees shall ensure that the record has been released for filing.

Equipment Labeling: File shelves and drawers shall be plainly labeled for easy identification of contents.

Master File Index List: A Master File Index List of all files on each shelf or drawer shall be retained by the file equipment and be easily visible.

Indexing: Employees shall determine an appropriate file caption for the record.

Coding: The file caption shall be written in the upper right-hand corner of the record or underlined if it is already plainly visible on the record.

Sorting: Employees shall sort records before filing.

Filing: When a file folder is filled, a new folder shall be created, labeled, and filed in front of it.

Out Card: Records removed from files shall be replaced by out cards in the record or file place. The out card should identify the record title, borrower name, and date removed.

#### 14060.6.8 Records Transfer and Retrieval

Inactive/discharged records shall be transferred to the appropriate storage location as designated by the unit's RRS.

##### California State Archives

Historical records shall be transferred once the CDCR relinquishes ownership. The transfer and retrieval processes are:

- **Transfer Process:** Place all historical records in record storage containers and prepare a Std. Form 71, Records Transfer List, to accompany the shipment. Forward the Std. Form 71 to the RC who will notify the unit when the records have been approved to ship. Ten boxes or less should be sent directly to the CSA. For more than ten boxes, the RC will check with the CSA prior to shipping. The CSA staff shall contact the RC or local records liaison and shall authorize shipment or determine the review needs for larger shipments.
- **Retrieval Process:** CSA staff screen all incoming records to select the historical records to be retained. Records may be reviewed at the CSA, but no removal is possible.

##### CDCR Archives

Discharged inmate/parolee case files transfer and retrieval processes are:

- **Transfer Process:** All files or records shall be placed in boxes, organized by Case File Number, and listed on the CDCR Form 134, Records Transfer Checklist. The top page shall clearly note the name, number, and discharge date. Records received without a discharge date shall be returned to the sending office.

- **Retrieval Process:** Contact CDCR archive's staff for specific transfer and retrieval instructions.

##### Local Archives

Inactive records can be maintained at an institution/facility provided:

- They are stored in an organized manner that allows for retrieval when required.
- The area shall be sufficiently secure to allow for the institution/facility or unit to maintain the integrity of the records.
- The records are disposed of according to the approved RRS.

Although physical locations and processes may vary, each institution/facility shall designate a local archive's liaison to ensure current destruction. The transfer and retrieval processes are:

- **Transfer process:** Stored in record storage containers, with a label that identifies the unit name, box number, general contents, and destruction year on each box. Each unit shall maintain a master inactive records list on CDC Form 1442, Local Archives Transfer List.
- **Retrieval Process:** Contact the local archives liaison for specific transfer and retrieval instructions.

##### State Records Center

Inactive/discharged records transfer and retrieval processes are:

- **Transfer Process:** Only those items listed on an approved RRS may be stored at the SRC. Storage time must coincide with times listed and approved on the RRS. All inactive or discharged records shall be stored in records storage boxes, identifying only the Transfer List and box numbers in the appropriate area. (No other marks shall be made on the box exterior.) Transfer List numbers are issued by the RC for each records shipment and destruction year.
- The unit shall prepare a Std. Form 71 and forward the form and detailed backup list to the RC. The RC will make the necessary storage arrangements and notify the unit when the records have been approved to ship.
- **Retrieval Process:** Complete a Std. Form 76, SRC Reference Request, for each item or box required. The RC forwards all forms received by 9:00 a.m. for next day delivery. Same day expedite retrievals require a written request from executive level staff. Contact the RC for further information.

#### 14060.6.9 Records Destruction

The instructions for confidential, non-confidential, and inactive/discharged records are listed below:

##### Confidential Records

State employees shall witness destruction of paper records that contain exempt, confidential, or sensitive information. For those CDCR units using the SRC for this type of service, all staff at the SRC are State employees and, therefore, the destruction is performed and witnessed by State employees. If a contractor or service provider that is not a State employee is performing the destruction, a State employee shall witness the destruction.

The records should be destroyed by on-site destruction equipment using the State Document Destruction Center (SDDC) or local destruction contract. Destruction contracts can be implemented locally since there are no statewide destruction contracts, but a State employee witness is required.

Instructions for obtaining SDDC services are available from the RC.

##### Nonconfidential Records

All non-confidential records shall be incorporated into a recycle program. Paper recycle containers are available by contacting the local recycling coordinator.

##### Inactive/Discharged Records

Local archives and SRC staff shall contact the coordinating staff when inactive or discharged records are due for destruction. The operational unit responsible for the records shall approve, in writing, the destruction or justification for an extension of the retention period.

#### 14060.7 Records Equipment Purchases

Requests for records equipment purchases shall be forwarded to the RC. No request shall be approved unless the records are listed in an approved RRS. Contact the RC for any questions or assistance.

Record equipment purchases may be made for vertical shelf, mobile, specialized files, shredders, micrographic, or optical disk equipment. Complete and forward to the RC the appropriate purchase document as follows:

- Headquarters and DAPO units shall submit a CDC Form 954, Intraoffice Requisition.
- Institutions/facilities shall submit a Std. Form 65, Contract/Delegation Purchase Order, or Std. Form 66, Purchase Estimate.

- A completed CDC Form 1298, Records Equipment Justification.
- Specifications, vendor brochures, or sole source justifications shall be included, if appropriate. The CDCR is mandated to support Prison Industry Authority (PIA) programs. Should equipment that is available through PIA be requested for purchase from a vendor other than the PIA, a waiver must be obtained from PIA and submitted with the purchase order or requisition.

All file equipment shall be secured in accordance with California Code of Regulations, Title 24, Part 2, Section 2-23-12, Earthquake Seismic Standards.

#### **Drawer Files (Replacement Only) Specialized Filing Equipment**

Drawer files may be purchased as replacement equipment only. SAM Section 1661 states that vertical shelf files are the State's standard filing equipment. Because of safety regulations, floor space must include an additional amount of space to facilitate an open drawer and allow for office movability.

Complete and forward the appropriate purchase document, CDC Form 954, Std. Form 65 or Std. Form 66, and the completed CDC Form 1298 and a floor plan to the RC.

#### **Executive Drawer Files**

In accordance with SAM Section 1661, non-State standard file equipment purchases are restricted to control space and excessive cost. The CDCR has limited the purchase of executive drawer filing equipment to executive staff's office or work area that is subject to public view. For purposes of this Article, executive staff is defined as the Secretary, Undersecretary, Executive Director, Assistant Secretary, General Counsel, Chief Deputy Secretary, Director, Deputy Director, Associate Director, Warden, Regional Administrator, or positions at the Career Executive Appointment (CEA) III level, or above.

Form 954, or Std. Form 65, and justification memorandum to the RC.

#### **Document Destruction Equipment**

The SDDC, located in West Sacramento, provides destruction services for confidential records from all State agencies. There are situations that require the records be destroyed locally rather than transporting to the SDDC. If an institution/facility or office feels there is sufficient justification to support the purchase of on-site document destruction equipment, forward the below listed information and documents to the RC.

- Headquarters and DAPO units shall submit a CDC Form 954.
- Institutions/facilities shall submit a Std Form 65 or Std Form 66.
- A completed CDC Form 1298.
- Vendor's specifications, brochures, or sole source justifications shall be included, if appropriate.

Purchase requests for document destruction equipment shall include an attachment that provides any and all applicable information that addresses the DGS Guidelines for Purchase or Rental of Document Shredding Equipment, item numbers 2 through 10 listed on the back side of CDC Form 1298. This will allow for the prompt review of the request.

#### **14060.8 Micrographic and Optical Disk Management**

A micrographics system is used to maintain the integrity of records that are vital to the operation of the CDCR.

The RC shall review, approve, and coordinate proposed microfilm and optical disk systems. Feasibility Study Report (FSR) shall be submitted to the RC. The RC shall submit the FSR to DGS, Office of Information Services, for approval.

For proposed purchases of Micrographic/Optical Disk equipment, a FSR, or Computer Workgroup Justification Form (CWJF) (exact document is based on the dollar amount of the project and technology involved) must be prepared. The FSR or CWJF shall then be sent to the Enterprise Information Systems for review and approval and will then be forwarded to the RC. After approval by the RC, the approved document shall be forwarded to CalRIM for final approval. Upon return of the approved document from CalRIM, it will be returned to the requestor for processing the appropriate purchase or contract document.

#### **14060.9 Revisions**

The Chief, Business Management Branch, or designee shall ensure that the content of this Article is accurate and current.

#### **14060.10 References**

Civil Code §§ 1798 et seq., IPA

SAM § 1661

California Code of Regulations, Title 24, Part 2, § 2-23-12, Earthquake Seismic Standards

#### **ARTICLE 24 — UNASSIGNED**

#### **ARTICLE 25 — UNASSIGNED**

#### **ARTICLE 26 — AMERICAN CORRECTIONAL ASSOCIATION STANDARDS**

*Revised June 19, 2008*

##### **14090.1 Policy**

The Department utilizes the American Correctional Association (ACA) standards as resource material in developing departmental regulations, policy, and operational procedures. The Department may pursue accreditation by the ACA at selected facilities as determined by the Secretary.

##### **14090.2 Purpose**

This Article provides departmental employees with an understanding of the relationship between the Department and the ACA, and basic structural elements of the accreditation process.

##### **14090.3 General Information**

The ACA is a nonprofit, professional organization, focused exclusively on the field of detention and corrections, whose activities include the administration of a national accreditation program as a method of certifying levels of overall compliance with specific and predetermined correctional standards.

The Department utilizes the following ACA manuals:

- Manual of Standards for Adult Correctional Institutions.
- Manual of Standards for Adult Community Residential Facilities.
- Manual of Standards for Adult Probation and Parole Field Service.

##### **14090.4 Responsibility**

The Secretary affirms that the Department shall pursue accreditation of its facilities as they are found to be ready for accreditation audits.

The Secretary shall decide which of the facilities are to be targeted for accreditation audits by the ACA for any given time period, and have those decisions incorporated into the Department's facilities plan.

##### **Office of Audits and Compliance**

The Assistant Secretary for the Office of Audits and Compliance shall oversee all ACA accreditation activities within the Department including, but not limited to, the following:

- Communicating with the ACA.
- Recommending accreditation-ready facilities to the Secretary.
- Coordinating and completing contracts and applications for accreditation with the facilities selected for accreditation audits.
- Providing technical guidance for accreditation activities at every facility.
- Performing preaccreditation audits at facilities.
- Coordinating the resolution of accreditation related issues/problems.

##### **Division of Adult Institutions/Division of Adult Parole Operations**

All Wardens and RPAs shall have systems in place to ensure that ACA standards have been reviewed and, where appropriate, incorporated into local operations.

All Wardens and RPAs whose facilities have been selected for accreditation shall assign a staff member at the level of Lieutenant, Correctional Counselor II (CC-II), Parole Agent II (PA-II), or above, to monitor and coordinate ACA accreditation activities at their respective facilities.

Facilities selected for accreditation efforts, and those that have been awarded accreditation, shall assign an accreditation manager/coordinator to:

- Coordinate the overall effort.
- Communicate local needs and concerns to Warden/RPA.
- Develop and maintain accreditation records and documents.
- Provide training to facility staff.
- Liaison with the Office of Audits and Compliance in all aspects of the accreditation and reaccreditation process.
- Review facility operations for consistency with ACA standards.

**14090.5 Revisions**

The Assistant Secretary, Office of Audits and Compliance, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

**14090.6 References**

ACA Agency Manual of Accreditation Policy and Procedure.